

THE GENERAL
L A W S
And
L I B E R T I E S
Of the
MASSACHUSETTS
C O L O N Y:

Revised & Re-printed,

By Order of the General Court Holden at Boston.
May 15th. 1672

Edward Ranson Secr.

*Whoever therefore resisteth the Power, resisteth the Ordinance of God and
they that resist receive to themselves Damnation. Rom. 13. 2.*

C A M B R I D G E

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THE GENERALL LAWS

OF THE MASSACHUSETTS
COLONY,
REVISED AND PUBLISHED, BY
ORDER OF THE
GENERAL COURT

in October 1658.

FOrasmuch as the free fruition of such Liberties, Immunities, Privileges, as Humanity, Civility and Christianity call for, as due to every Man in his Place and Proportion, without Impeachment and Infringement, hath ever been, and ever will be, the Tranquility and Stability of Churches and Common-wealth, and the denyall or deprival thereof, the disturbance, if not ruine of both.

The Civil privileges of the Inhabitants of this Colony.

It is therefore Ordered by this Court and the Authority thereof, That no mans life shall be taken away, no mans Honour or good Name shall be stained, no mans person shall be arrested, restrained, banished, dismembred, nor any wayes punished; no man shall be deprived of his wife or children, no mans goods or estate shall be taken away from him, nor any wayes indamaged, under colour of Law, or countenance of Authority, unless it be by virtue or equity of some expresse Law of the Country warranting the same, established by a General Court, and sufficiently published; or in case of the defect of a Law, in any particular case, by the word of God. And in Capital Cases, or in Cases concerning dismembring, or banishment, according to that word, to be judged by the Generall Court. [1641.]

Ability. Age.

It is Ordered by this Court and the Authority thereof; That the age for passing away Lands, or such kinde of Hereditaments, or for giving of Votes, Verdicts or Sentences in any civil Courts or causes, shall be one and twenty years, but in chusing Guardians, fourteen years. And all persons of the age of one and twenty years, as aforesaid, and of understanding and memory, whether excommunicate, condemned, or other, shall have full power and liberty, to make their Wills and Testaments, and other lawfull Alienations of their Lands and Estates. [1641. 47.]

Age of discretion.

Liberty to dispose Estate.

Age for Plaintiffs and Defendants.

Age for Plaintiff
and Defendant.

IT is Ordered by this Court and the Authority hereof, that the age for *Plaintiffs* and *Defendants* in civil Cases, before any Magistrate, Commissioner or Court of Judicature, shall be twenty one years of age, and for all persons under that age, their *Parents*, *Masters*, and *Guardians* as they shall see meet shall plead and defend their right and interest, as the matter may require; and in all Criminal cases, every person younger as well as elder, shall be liable to answer in their own persons, for such misdemeanours as they shall be accused of, and may also inform and present any misdemeanour to any Magistrate, Grand-jury-man, or Court, any Law, Custome or Usage to the contrary notwithstanding. [1668.]

Actions.

Actions
tryable.

when

IT is Ordered by this Court and the Authority thereof, That all Actions of Debt, Accounts, Slander, and Actions of the Case concerning Debts and Accounts, shall henceforth be tryed, where the Plaintiff pleaseth, so it be in the Jurisdiction of that Court, where the Plaintiff or defendant dwelleth, unless by consent, under both their hands in doth appear, they would have the case tryed in any other Court. All other Actions shall be tryed, within that Jurisdiction where the cause of the Action doth arise.

Rule for entry
of Actions.

2. Whereas sundry Inconveniences do arise, by reason that Plaintiffs in Civil Cases do delay to Enter their Actions, to the great expence of much precious time, and damage to the Publick:

This Court doth therefore Order, That henceforth no Action shall be Entred after the first day of the Court is ended. And in case any Plaintiff shall delay his Entry longer then the first Forenoon of the Courts sitting, every such person or persons shall pay double Entry-money. And all persons, whether Parties or Witnesses, are enjoined to attend their respective Concerns in every Court of Justice, as well the first Forenoon of the Court, as afterwards; and shall present the whole Plea and Evidence before the Case be committed to the Jury, and no after-Plea or evidence shall be admitted to any person, Any Law, Usage or Custome to the contrary notwithstanding. And for that end, all Marshalls and Constables are enjoined to make their Returns of Attachments by them served, sometime the first Forenoon of the Court that is to take cognizance of the Case concerned therein. Provided, That the double Entry-money be paid by him that so neglects his Entry, and not put the Defendant to unnecessary charge through his default. [1665.]

Actions of tres-
pals under for-
ty shillings.

3. In all Actions of Trespas, where Damage shall be pretended, above Forty shillings, and yet on the hearing thereof, it shall appear to the Court to come under that value, in all such Cases, the Plaintiff shall lose his Action, and pay the Defendant cost.

Fees for Entry
of Actions.

4. Every Person impleading another, in any Court of Assistants or County Court, shall pay the sum of ten shillings, before his Case be Entred; and for every Action of above forty shillings value, tryable before the Commissioners of Boston, ten shillings; and for all Actions under forty shillings, tryable before the said Commissioners. one Magistrate, or the three Commissioners, for ending small Causes, ten Groats, unless the Court see cause to admit any to Sue in forma pauperis. [1642. 52.]

A. 52. p. 7.

s. And

5. And where the Debt or Damage recovered, shall amount to *Ten* pounds, in every such case to pay *five shillings* more; and where it shall amount to *Twenty pounds* or upward, there to pay *ten shillings* more then the first *ten shillings*; which said additions, together with the charge of the Entry of the Action, shall be put to the judgement and execution, to be leaved by the Marshall, and accounted to the respective Treasurers to whom it appertaineth. [1647.]

Addition of fees of Actions.

6. Whereas the Country is put to great Charge, by this Courts attending Suits Commenced or Renewed by Petition or Review.

It is Ordered that in all such cases; if it appear to the Court, that the Plaintiffe had no just cause of any such proceeding, the said Plaintiffe shall bear the whole charges of the Court, both for time and expences, which they shall judge to be expended by his occasion; and may further impose a fine upon him, as the merit of the cause shall require; but if they finde the defendant in fault, they shall impose the just charges upon such defendant.

Actions brought to the General Court to bear the charge of the Court.

7. And in all Actions brought to any Court, the Plaintiffe shall have liberty to withdraw his Action or to be non-suited, before the Jury have given in their verdict; in which case, he shall alwayes pay full costs and charges to the defendant, and may afterward renew his Suit at another Court. [1641.]

Plaintiff liberty to withdraw his Action.

8. And it is Ordered, that no man in any Suit or Action against another, shall falsely pretend great Damages or Debts, to vex his Adversary; and in all cases where it appears to the Court, that the Plaintiffe hath willingly and wittingly done wrong to the Defendants in commencing and prosecuting any Action, Suit, Complaint or Inditement, in his own name, or in the name of others, he shall pay treble damages to the party grieved, and be fined *Forty shillings* to the common Treasury. [1641. 46.]

L. i. p. 16. 49

Vexatious Suits to pay treble damage and be fined 40. shill.

APPEAL.

IT is Ordered by this Court and the Authority thereof: That it shall be in the liberty of every man cast, condemned or Sentenced in any Inferiour Court, to make his Appeal to the Court of Assistants: as also to appeal from the sentence of one Magistrate, or other persons deputed to hear and determine small causes, unto the shire Court of each Jurisdiction, where the cause was determined. Provided they tender their Appeal, and put in security before the Judges of the Court, to prosecute it to effect, and also to satisfy all damages, before execution granted; which shall not be till twelve hours after Judgement, except by special order of the Court. And if the cause be of a criminal nature; then also to put in security for the good behaviour and appearance at the same time: and if the point of appeal, be in matter of Law, then to be determined by the Bench, if in matter of fact by the Bench and Jury. And if in the Court of Assistants, two of five, three of seven, or such a proportion of the Magistrates then present, shall actually dissent from the sentence of the Court in any Capitall offence, it shall then be in the liberty of the party sentenced, to appeal to the next General Court.

Liberty to appeal

before Execution.

In criminal cases to be bound to the good behaviour.

Appeals to the General Court.

L. 2. p. 1.

Appellant to
give his reasons
six dayes before.

A. 51. p. 1.

Not prosecuting
an Appeal, for-
feit forty will.

2. It is further Ordered; That all Appeals with the security as aforesaid, shall be recorded at the charge of the party Appealing, and certified unto the Court, to which they are made. And the party Appealing, shall briefly in writing (without reflecting on Court or Parties, by provoking Language) under his own or his Attornies hand, give in to the Clerk of the Court from which he did Appeal, the Grounds and Reasons of his Appeal, six dayes before the beginning of the Court, to which he did Appeal; to which Court the said Clerk shall return the said writing, and give copies thereof to the Defendant if he desire the same. And whosoever shall Appeal from the Sentence of any Court, and not prosecute the same to effect, according to Law, shall besides his Bond to the party, forfeit to the Country, the sum of *Forty shillings* for every such neglect.

A. 43. p. 19.

No Judge Ap-
pealed from,
may judge the
Action of Appeal.

A. 54. p. 2.

Error may be
rectified, with
reversing the
former judge-
ment.

3. *And for a more clear and equal hearing and determining all Cases of Appeal;* It is Ordered, That no person that hath sate as Judge, or voted in any inferior Court, in that case he is Appealed from, shall have any vote in the Superiour Court Appealed to, but the case shall be determined by such as are no wayes engaged in the same, by Judging or Voting formerly: Provided there be more Magistrates Appealed to, then those that sate in the Court Appealed from. And in all cases of Appeal, the Court Appealed to shall Judge the case, according to former Evidence, and no other, rectifying what is amiss therein; and where the matter of fact is found to agree with the former Court, and the Judgement according to Law, not to revoke the Sentence or Judgement, but to abate or increase damages, as shall be judged right; any use or custome to the contrary notwithstanding. [1642.47.49.50.53.54.]

Appeal from the
Associate Court
in Dover and
Yorke-shire try-
able.

ON a motion of the Deputies of Dover and Portsmouth, in behalf of *most of the Freemen there,* That whereas they have power in their Associate Courts to try any Case under Twenty pounds, and finding no Law where they may Appeal, but to the Court of Assistants, the Actions being many times very small, and is great charge to come to Eoston for every small Case; it is their desire, that the Court would grant them an Order, that any person cast or condemned, may Appeal to the County Court held in Dover or Portsmouth, and that some persons may have Magistratical Power in that County as formerly:

The Court judgeth it meet to grant their request; And it is Ordered that henceforth it shall be in the liberty of Plaintiffe and Defendant, in all Cases tryable, before the Court of Associates in Portsmouth and Dover, to Appeal to their next County Court in Dover or Portsmouth, as in other cases, any custome or usage to the contrary notwithstanding. [1670.]

Appearance. Non-appearance.

Immunity from
punishment in
case of inevita-
ble obstruction

IT is Ordered by this Court and the Authority thereof; That no man shall be punished for not appearing at or before any Civil Assembly, Court, Council, Magistrate or Officer, nor for the omission of any Office or Service; if he shall be necessarily hindred, by any apparent Act or Providence of God, which he could neither foresee nor avoid; Provided that this Law shall not prejudice any person of his just cost and damage in civil action. [1641.]

Apparel.

APPAREL.

Although several Declarations and Orders have been made by this Court, against excess in Apparel, both of Men and Women, which have not taken that effect as were to be desired, but on the contrary; we cannot but to our grief take notice, that intollerable excess and bravery hath crept in upon us, and especially amongst people of mean condition, to the dishonour of God, the scandall of our profession, the consumption of Estates, and altogether unsuitable to our poverty: and although we acknowledge it to be a matter of much difficulty, in regard of the blindness of mens minds, and the stubbornness of their wills, to set down exact Rules to confine all sorts of persons; yet we cannot but account it our duty, to commend unto all sorts of persons, the sober and moderate use of those blessings, which beyond expectation, the Lord hath been pleased to afford unto us in this wilderness, and also to declare our utter detestation and dislike, that men or women of mean condition, should take upon them the garb of Gentlemen, by wearing Gold or Silver lace, or Buttons, or Points at their knees, or to walk in great Boots; or Women of the same rank to wear Silk or Tiffny hoods, or Scarfes, which though allowable to persons of greater Estates; or more liberal education, yet we cannot but judge it intollerable in persons of such like condition:

A. 31. p. 51.

Excess in Apparel prohibited.

It is therefore Ordered by this Court and the Authority thereof; that no person within this Jurisdiction, nor any of their relations depending upon them, whose visible estates real and personal, shall not exceed the true and indifferent value of two hundred pounds; shall wear any Gold or Silver lace, or Gold and Silver Buttons, or any bone lace above two shillings per yard, or silk hoods, or scarfs, upon the penalty of ten shillings for every such offence, and every such delinquent to be presented by the Grand-jury; And forasmuch as distinct and particular rules in this case suitable to the estate or quality of each person cannot easily be given: It is further Ordered by the Authority aforesaid, that the Select Men of every Town, or the Major part of them, are hereby enabled and required from time to time, to have regard, and take notice of Apparel of any of the Inhabitants of their severall Towns respectively, and whosoever they shall judge to exceed their ranks and abilities, in the costliness or fashion of their Apparel in any respect, especially in the wearing of Ribbons or great Boots, (Leather being so scarce a commodity in this Country) Lace, Points, &c. Silk Hoods, or Scarfes, the Select men aforesaid shall have power to assess such persons so offending in any of the particulars above mentioned in the Country Rates, at two hundred pounds estates, according to that proportion that such men use to pay to whom such Apparel is suitable and allowed, Provided this Law shall not extend to the restraint of any Magistrate or publick Officer of this Jurisdiction, their Wives and Children, who are left to their discretion in wearing of Apparel, or any settled Military Officer, or Souldier in the time of Military service, or any other whose education and imployment have been above the ordinary degree, or whose estate have been considerable, though now decayed. [1651.]

As an Addition to the Laws about Apparel.

VVHereas excess in Apparel amongst us, unbecoming a Wilderness-condition, and the profession of the Gospel, whereby the Rising Generation are

in danger to be Corrupted and Effeminated; which practises are witnessed against by the Laws of God, and sundry Civil and Christian Nations:

Addition to the
Law for Apparel

It is therefore Ordered and Enacted by this Court, and the Authority thereof, That all persons within this Jurisdiction, whether the Children, or Servants that are under government in Families, that shall wear any Apparel exceeding the quality and condition of their Persons or Estate, or that is apparently contrary to the ends of Apparel; and either of these to be so judged by the Grand-jury and County Court of that Shire where such complaint or presentment is made: All such persons being Convicted, shall for the first offence be Admonished; for the second offence pay a fine of twenty shillings; for the third offence, forty shillings, and so following, as the offences are multiplied, to pay forty shillings a time to the Treasury of that County. Also if any Taylor shall make or fashion any Garment for such Children or Servants under government as aforesaid, contrary to the mind and order of their Parents or Governours; every such Taylor shall for the first offence be Admonished; and for the second offence, forfeit double the value of such Apparel or Garment as he shall fashion or make, contrary to the mind and order of their Parents or Governours; half to the Owner, and half to the Country. And all Grand-jury men are hereby enjoined to Present all those whom they do judge breakers of this Order. [1662]

ARRESTS.

None to be kept
in prison for
debt that have
not to satisfy.

It is Ordered by this Court and the Authority thereof; That no mans person shall be Arrested or Imprisoned for any Debt or Fine, if the Law can finde any competent means of satisfaction, otherwayes from his estate, (except in special Contracts, as in the Law of Payments) And if not, his person may be Arrested and Imprisoned, where he shall be kept at his own charge, not the Plaintiffs, till satisfaction be made, unless the Court that had cognizance of the cause, or some superiour Court shall otherwise determine; provided nevertheless, that no mans person shall be kept in prison for debt, but when there is an appearance of some estate which he will not produce, to which end, any Court or Commissioners Authorized by the General Court may Administer an Oath to the party, or any other suspected to be privy in concealing his estate, but shall satisfy by service if the Creditor require it; but shall not be sold to any but of the English Nation. [1641. 47.]

The Keepers dis-
charge of Pri-
soners in Case.

It is Ordered, That when any persons are Committed to Prison in any Civil Action, the Keepers of the Prison shall not stand charged with their supply of Victuals, or other Necessaries. And in case the Prisoner hath no Estate, and will be deposed before any Magistrate, that he is not worth five pounds, the Plaintiff shall provide for his relief, or otherwise the Keeper shall not stand charged with him: and all such charges the Plaintiff shall have power to levy with the Execution, before the party be delivered from Prison.

Complaint

Complaint being made to this Court, of abuse offered to Justice, through liberty granted, by the Keepers of the Prisons, to such persons as stand Committed for payment of fines, and on Execution granted in Civil Cases:

This Court do Order; That no person or persons Committed as aforesaid, shall be permitted by the Keeper of the Prison, to go at liberty without the precincts of the Prison, but by the License of the Court that Committed him, or of the Creditor for whom Execution is granted; on penalty of paying the fine imposed, and satisfaction of the Execution in any Civil Case. [1662]

Keepers of prisoners danger.

IT is Ordered, that the Keeper of the Prison for the time being, shall henceforth have the same liberty that the Marshall hath in all Civil Cases; to take sufficient Bayle after Commitment, as the Marshall might before Commitment. [1662.]

Keepers liberty to take Baile.

Attachments. Summons.

IT is Ordered by this Court and Authority thereof; That it shall be the liberty of every Plaintiff, to take out either Summons or Attachments against any Defendant; Provided no Attachment shall be granted in any Civil Action, to any Forreigner, against a settled Inhabitant in this Jurisdiction, before he hath given sufficient security or caution, to prosecute his Action, and to answer the Defendant such costs, as the Court shall award him.

L. 2. p. 12.

Plaintiffs liberty to take Summons or Attachments.

Forreign Plaintiffs to put in security.

1. And it is further Ordered that in all Attachments of Goods and Chattels, or of Lands and Hereditaments, legal notice shall be given to the party, or left in writing at his house or place of usual abode, otherwise the suit shall not proceed; notwithstanding, if he be out of this Jurisdiction, the cause shall then proceed to tryal, but Judgement shall not be entred before the next Court, and if the Defendant do not then appear, Judgement shall be entred, but Execution shall not be granted before the Plaintiff hath given security to be responsal to the Defendant, if he shall reverse the Judgement within one year, or such further time as the Court shall limit.

Execution respited.

2. And it is hereby Declared, that no Summons, Pleading, Judgement, or any kinde of proceeding in Courts or course of justice, shall be abated, arrested or reversed upon any kinde of circumstantial errors or mistakes, if the person and cause be rightly understood and intended by the Court. And in all Cases where the first Summons are not served six dayes inclusively before the Court, and the Case briefly specified in the Warrant, where appearance is to be made by the party Summoned, it shall be at his liberty whether he will appear or not, except all cases that are to be handled in Court suddenly, called on extraordinary occasion.

L. 1. p. 49.

Circumstantial errors.

Summons to be served six dayes before the Court.

3. And whereas Suits at Law, many times such as do prosecute the same in their own name, in procuring the process; intend and do declare in the name, and on the behalf of others, viz. as Executors, Administrators,

A. 51. p. 2. In whole name to take out process.

C 2

Assignes,

Assignes, Attornies, Guardians, Agents or the like, which is not only improper, but tendeth also to uncertainty; for prevention whereof:

It is Ordered, That henceforth the Original process, whether Summons or Attachments shall expresse in whose name the Plaintiff sueth, whether in his own name, or as Executor of the last Will and Testament of such a man, or Administrator of the Goods and Chattels of such a man, or Assignee, Attorney, Guardian or Agent of such a man, or the like, or otherways, if exception be taken before the parties joyn issue, it shall be good, and the Plaintiff shall be liable to pay cost. [1641. 44. 47. 51.]

Marshalls may serve Attachments.

V Hereas it hath been commonly praesised, that Attachments have been directed to the Marshall to be served in any Town under the jurisdiction of that Court whereof the Marshall is Officer, notwithstanding the Law doth Order, that all Attachments shall be directed to the Constable in such Towns where no Marshall dwells:

Marshalls may
serve Attach-
ments.

It is hereby Ordered and Declared, That the said Custome shall be accounted legal, and shall not abate the Proceeding or Tryal of any Cause. Provided no more Costs be charged on the Defendant, then by Law are due to Constables for serving Attachments. [1662]

B A K E R S.

IT is Ordered by this Court and Authority thereof; That henceforth every Baker shall have a distinct mark for his Bread, and keep the true Assizes, as hereafter is expressed, viz. when Wheat is ordinarily sold for money at these several Rates hereafter mentioned, the penny white loaf by averdupois weight, when Wheat is by the bushel—

at 3 s. 0 d. the white 11 ounces 1 qr. wheat 17 ounces 1 qr. household 23 ounce. 0.

Weight of Bread	at 3 6	10	1	15	1	20	2.
	at 4 0	09	1	14	0	18	2.
	at 4 6	08	1	11	3	16	2.
	at 5 0	07	3	11	2	15	2.
	at 5 6	07	0	10	2	14	0.
	at 6 0	06	2	10	0	13	0.
	at 6 6	06	0	09	2	12	2.

And so proportionably, under the penalty of forfeiting all such Bread as shall not be of the several Assizes aforementioned, to the use of the poor of the Town where the offence is committed, and otherwise as is hereafter expressed, and for the better execution of this present Order; there shall be in every Market Town, and all other Towns needfull one or two able persons annually chosen by each Town, who shall be sworn at the next County Court, or by the next Magistrate, unto the faithful discharge of his or their Office: who are hereby Authorized to enter into all houses, either with a Constable or without, where they shall suspect or be informed of any Bread baked for sale, and also to weigh the said Bread as oft as they see cause, and seize all such as they finde defective. As also to weigh all

Clerk of the
Market

Their power.

All Butter made up for sale, and brought unto, or being in the Town or Market to be sold by weight, which if found light after notice once given, shall be forfeited in like manner. The like penalty shall be for not marking all Bread made for sale: And the said Officer shall have one third part of all forfeitures for his pains, the rest to the poor as aforesaid. [1646.] A.52. p.8.

2. Whereas it appears to this Court, that there is much deceit used by some Bakers and others, who when the Clerk of the Market cometh to weigh their Bread, pretend they have none, but for their own use, and yet afterward put their Bread to sale, which upon tryal hath been found too light; for prevention of such abuses for time to come:

It is Ordered, that all persons within this Jurisdiction, who shall usually sell Bread within doors or without, shall at all times hereafter, have all their Bread that they either put to sale or spend in their families, made of the due Allizes, marked and yielded to tryal of the said Clerk as is directed in the Order aforesaid, under the penalty therein exprest, [1652.]

To prevent deceit in Bakers,

BALLAST.

IT is Ordered by this Court and the Authority thereof; That no Ballast shall be taken from any Town shore, by any person whatsoever, without allowance under the hands of the Select men, upon the penalty of six pence, for every shovel full so taken, unless such stones as they had laid there before. It is also Ordered, That no Ship nor other Vessel, shall cast out any Ballast in the Channel or other place inconvenient in any Harbour within this Jurisdiction, upon the penalty of ten pounds, [1646.]

Ballast not to be taken without leave.

nor cast into the Channel.

BARRATRY.

IT is Ordered and Decreed, and by this Court Declared; That if any man be proved and judged a common Barrater, vexing others with unjust, frequent and endless suits, it shall be in the power of the Court, both to reject his Cause, and to punish him for his Barratry. [1641.]

Barratry.

BENEVOLENCE.

IT is Ordered, That this Court hereafter will grant no Benevolence, except in forreign occasions, and when there is Money in the Treasury sufficient, and our debts first satisfied. [1641.]

It is Ordered by this Court and the Authority thereof; that all Gifts and Legacies given and bequeathed to the Colledge, Schools of Learning or any other Publick use; shall be truly and faithfully disposed of according to the true and declared intent of the Donors. And all and every Person or Persons entrusted to receive or improve any such Gifts or Legacies, shall be liable from time to time to give account of their disposal and management thereof to the County Court of that Shire where they dwell, and where such Estate shall lye, who are hereby impowred to require the same where need shall be, and to appoint Feoffes of trust, to settle and manage the same according to the will of the Donors.

Gifts and Legacies to be faithfully disposed of

B I L L S.

Bills Assigned
good debt to the
Assignee.

IT is Ordered by the Authority of this Court; That any debt, or debts due upon bill or other specialty assigned to another, shall be as good a debt and estate to the Assignee, as it was to the Assigner, at the time of its assignation; And that it shall be lawfull for the said Assignee, to sue for, and recover the said debt due upon bill, and so assigned, as fully as the originall Creditor might have done; Provided the said Assignment be made upon the back-side of the bill or specialty. [1647.]

B O N D - S L A V E R Y.

No Bond-slavery

IT is Ordered by this Court and the Authority thereof; That there shall never be any Bondslavery, Villenage or Captivity amongst us, unless it be lawful Captives taken in just Wars, as willingly sell themselves or are sold to us, and such shall have the liberties and Christian usage which the Law of God established in Israel concerning such persons doth morally require; Provided this exempts none from servitude, who shall be judged thereto by Authority. [1641.]

Bounds of Towns and Persons.

FOrasmuch as the Bounds of Towns, and of the Lands of particular persons, are carefully to be maintained, and not without great danger to be removed by any, which notwithstanding by deficiency and decay of marks, may at unawares be done, whereby great jealousies of persons, trouble in Towns, and incumbrances in Courts do often arise, which by due care and means might be prevented:

Town Bounds
to be laid out
once in one year.

To be surveyed
within 3 year.

Particular per-
sons bounds to
be surveyed
once a year.

It is therefore Ordered by this Court and the Authority thereof, that every Town shall set out their Bounds, within twelve months after their Bounds are granted: and that when their Bounds are once set out, once in three years, three or more persons of a Town, appointed by the Select men, shall appoint with the adjacent Towns, to go the Bounds betwixt their said Townes and renew their marks; which marks shall be a great heap of stones, or a Trench of six foot long and two foot broad, the most ancient Town to give notice of the time and place of meeting for this perambulation; which time shall be in the first or second month, upon pain of five pounds for every Town that shall neglect the same; Provided that the three men appointed for perambulation shall go in their several quarters, by order of the Select men, and at the charge of the several Towns.

2. And it is further Ordered, that if any particular proprietor of Lands lying in common with others, shall refuse to go the Bounds betwixt his Land and other mens once a Year in the first or second month, being requested thereunto upon one weeks warning, he shall forfeit for every day so neglecting, ten shillings, half to the party moving thereto, the other half to the Town. [1651.]

B R E W E R S.

TO the end no other but good and wholesome Beer be Brewed at any time in this Jurisdiction, to be sold for the supply of Ship or other Vessels at Sea; and that no oppression or wrong be done to any in this Mystery:

It

Breach of the Peace.

11

It is Ordered by this Court and the Authority thereof: That no person whatsoever, shall henceforth undertake the calling or work of Brewing Beer for sale, but only such as are known to have sufficient skill and knowledge in the Art or Mystery of a Brewer. And it is further Ordered, that if any undertaker for victualling of Ships or other Vessels, or Master or owner of any such Vessel, or any other person, shall make it appear, that any Beer bought of any person within this Jurisdiction, doth prove unfit, unwholsome and useles for their supply, either through the insufficiency of the Mault, or Brewing, or unwholsome Cask; the person wronged thereby shall be, and is hereby enabled, to recover equal and sufficient damage, by Action against the person that put that Beer to Sale.

Brewers to make satisfaction for bad Beer.

Breach of the Peace.

FOR the better preserving of Peace, and every mans Liberty and Safety in this Jurisdiction, and to the end that all Fighting and Quarrelling and Disturbance may be avoided:

Breach of Peace

It is by this Court Ordered, and by the Authority thereof Enacted, that no person shall beat, hurt or strike any other person, upon penalty of paying to the party stricken, by fine to the County where the Offence is committed, or both, such sum or sums as the County Court, Magistrate, Commissioner or Associate, that take cognizance thereof shall determine: and because in this case several circumstances may alter the degree of the offence, as who do smite, who is smitten, with what Instrument, the danger of the wound, more or less, time, place and provocation, and other the like, it is left to the discretion of the Judges aforesaid, upon hearing and consideration, to impose such penalty or penalties, as in their discretion shall seem just, equal and proportionable to the merit of the offence.

Judgement for Title of House or Land.

IT is Declared and Ordered by this Court and the Authority thereof, That where a Judgement is given in any Court for any person of House or Land, upon the trial of the Title thereof; if the person against whom the Judgement is given, doth either forcibly keep possession thereof still after execution served, or enter upon it again, and so retain possession by force, he shall be counted a high offender against the Law, and breaker of the publick peace; therefore speedily to redress such a criminal offence, every Magistrate is impowred, and by his place hath power to give warrant and command to the Marshall, Officers and other men whom he thinks meet to be employed in the business (the Marshall also requiring aid, greater or lesser, as need requires) and suppress the force, and give possession to the owner, and to imprison such as do appear to be Delinquents; and their aiders and abettors, to be forth coming at the next Court that did give the Judgement in the case, there to make their Answer: and whom the Court doth finde guilty, to set such fine or other punishment upon them as the merit of their several cases doth require.

Judgement for Title of House or Land.

BRIDGES.

THis Court considering that Bridges in Country High-ways are for the benefit of the Country in general, and that it may be unequal to lay the charge thereof on particular Towns:

Bridges to be made & repaired by the County.

Doth Order, that from time to time, upon information or complaint to each County Court, of the necessity or defect of any Bridge or Bridges as aforesaid; the Court shall appoint a Committee to view and determine the same, and the charges shall be proportioned by the Magistrates in each County Court, to be levied upon the Several Towns in each County according to the direction of the Law for Country Rates.

L. 2. p. 3.

2. The Court considering the great danger that Persons, Horses, Teams, are exposed to, by reason of defective Bridges, and Country High-ways in this Jurisdiction:

Penalty for damage received by the insufficiency of Bridges.

Doth Order and Declare, That if any person at any time, lose his life, in passing any such Bridge or High-way, after due warning given unto any of the Select men of the Town in which such defect is, in writing under the hand of two witnesses, or upon presentment to the Shire Court, of such defective Wayes or Bridges, that then the County or Town which ought to secure such Wayes or Bridges, shall pay a fine of one hundred pounds to the Parents, Husband, Wife or Children, or next of Kin to the party deceased. And if any person lose a Limb, break a Bone, or receive any other bruise or breach in any part of his Body, through such defect as aforesaid; the County or Town, through whose neglect such hurt is done, shall pay to the party so hurt, double damages, the like satisfaction shall be made for any Team, Cart or Cartage, Horse, other Beast or Loading, proportionable to the damage sustained as aforesaid.

A. 58.

3. And for the prevention of danger, which may come by the insufficiency of Bridges and Passages which lye upon Town High-ways, the care whereof doth belong either to the Town or particular Persons to repair, who many times cannot procure Workmen to do the same:

Power to press workmen to repair Bridges.

It is therefore Ordered by this Court, That upon the complaint of any such Town or Person, to any one Magistrate, he shall hereby be impowred to issue out Warrants to the Constable, to impress such Workmen in their Town-ship, as shall be needful to secure and repair the same, who shall be paid for their work, either by the Town or Persons, to whom such Bridges or Passages do belong. [1648. 51. 59.]

Burglary and Theft.

Robbing in house, high-ways penalty.

FOrasmuch as many Persons of late years, have been and are apt to be injurious to the Goods and Lives of others, notwithstanding all care and means to prevent and punish the same:

It is therefore Ordered by this Court and the Authority thereof, That if any Person shall commit Burglary, by breaking up any dwelling house, or shall

rob any person in the field or high-ways, such person so offending, shall for the first offence, be branded on the forehead with the letter (B) and if he shall offend in the same kinde the second time, he shall be branded as before, and also be severely whipped; and if he shall fall into the like offence the third time, he shall be put to death, as being incorrigible.

And if any person shall commit such Burglary, or rob in the fields or houses on the Lords day, besides the former punishment of Branding, he shall for the first offence have one of his ears cut off; and for the second offence in the same kinde, he shall lose his other ear in the same manner; and for the third offence he shall be put to death. [1642. 47.]

On the Lords day.

2. For the prevention of Pilfering and Theft: It is Ordered by this Court and the Authority thereof; That if any person be taken or known to rob any Orchard or Garden; that shall hurt or steal away any Grafts or fruit Trees, Fruits, Linnen, Woollen or any other goods left out in Orchards, Gardens, Back-sides, or in any other place in house or fields, or shall steal any wood or other goods from the water-side, from mens doors or yards; he shall forfeit treble damage to the owners thereof.

Rob Orchard or Garden or steal goods.

pay treble damage,

or be whipt.

And if they be children, or servants, that shall trespass herein, if their parents or masters will not pay the penalty before exprest, they shall be openly whipped.

And forasmuch as many times it so falls out that small thefts and other offences of a criminall nature are committed both by English and Indians in towns remote from any prison or other fit place to which such malefactors may be committed untill the next Court.

It is therefore ordered that any magistrate, upon Complaint made to him may hear, and upon due proof determine, any such small offences of the aforesaid nature according to the Laws here established, and give warrant to the Constable of that Town where the offender lives to levy the same; Provided the damage or fine exceed not forty shillings; Provided also it shall be lawfull for either party to Appeal to the next Court to be holden in that Jurisdiction, giving sufficient caution to prosecute the same to effect, at the said Court. And every Magistrate shall make a return yearly to the County Court where he liveth, of what cases he hath so ended. And also the Constables of all such fines as they have received.

One Magistrate may determine such cases.

Magistrate and Constable to return to the County Court.

And where the offender hath nothing to satisfie, such Magistrate may punish by stocks or whipping, as the cause shall deserve, not exceeding ten stripes; It is also Ordered, that all Servants and Workmen imbezling the goods of their Masters or such as set them on work, shall make restitution, and be lyable to all Laws and penalties as other men. [1646.]

Servants and Workmen.

3. It is further Ordered by this Court; That what person soever shall steal from any person, any Coyn, Goods or Chattels, to the value of ten shillings or upward, shall be whipt, or pay such a sum or sums of money as the Court or Magistrate, that hath proper cognizance thereof shall adjudge to be sufficient to satisfie all costs and charges of the Court and Country in prosecuting and trying the said offender, to the use of the common Treasury; and for smaller thefts, it is left to the discretion of the Judge or Judges that shall have cognizance of the crime, to appoint smaller mulcts or punishments, or only legal Admonitions as they shall finde cause.

A. 52. p. 10.

Stealing above ten shillings.

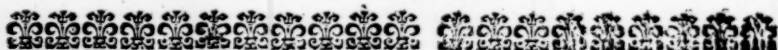
Constable to make search for goods stolen.

And further it is declared and Ordered, That when any Goods are stolen from any person, the Constable of the Town, by warrant from Authority, shall search for the same, in any suspected places or houses, and upon

search

Concealing of
theft and recei-
ving satisfaction
privately.
penalty.

search or otherwise, if he shall finde the same or any part thereof, or any ground of suspicion appearing to the Officer, he shall bring the Delinquent or suspected party to a Magistrate to be proceeded with according to the Law. And if any person having goods stolen from him, shall privately receive his said stolen goods (except the fact be private, or committed by some member of his own family) and so smother the theft, and shall not legally prosecute the Offender, he shall forfeit to the common Treasury the Goods or Chattels so received or the true value thereof. [1652.]



CAPITAL LAWS.

Idolatry.



If any man after Legal Conviction shall HAVE or WORSHIP any other God but the LORD GOD, he shall be put to death, *Exod. 22. 20. Deut 13. 6, 10. Deut 17. 2, 6.*

Witch-craft.

2. If any Man or Woman be a WITCH, that is, Hath or Consulteth with a familiar Spirit they shall be put to death, *Exod. 22. 18. Levit. 20. 27. Deut. 18. 10, 11.*

Blasphemy.

3. If any Person within this Jurisdiction, whether Christian or Pagan, shall wittingly and willingly presume to BLASPHEME the holy name of God, FATHER, SON, or HOLY-GHOST, with direct, expresse, presumptuous, or high-handed Blasphemy, either by wilfull or obstinate denying the true God, or his Creation, or Government of the World, or shall curse God in like manner, or reproach the holy Religion of God, as if it were but a politick devise; to keep ignorant men in awe; or shall utter any other kind of Blasphemy of the like nature and degree, they shall be put to death, *Levit. 24. 15, 16,*

Murder.

4. If any person shall commit any wilfull MURDER upon premeditate malice, hatred or cruelty, not in a mans necessary and just defence, nor by meer casualty against his will, he shall be put to death, *Exod. 21. 12, 13. Numb. 35. 31.*

5. If any person slayeth another suddenly, in his ANGER or CRUELTY of passion, he shall be put to death, *Levit. 24. 17. Numb. 35. 20, 21.*

Poysoning.

6. If any person shall slay another through guile, either by POYSONING or other such Devilish practise, he shall be put to death, *Exod. 21. 14.*

Befiality.

7. If any Man or Woman shall LYE with any BEAST or Bruit Creature, by carnal Copulation, they shall surely be put to death, and the Beast shall be slain and buried, and not eaten, *Levit. 20. 15, 16.*

8. If any Man LYETH with MANKINDE as he lyeth Sodomy with a Woman, both of them have committed Abomination, they both shall surely be put to death, unless the one party were forced, or be under fourteen years of age, in which case he shall be severely punished, *Levit. 20. 13.*

9. If any Person COMMIT ADULTERY with a Married or Eſpoused Wife, the Adulterer and the Adulteress shall surely be put to death, *Levit. 20. 10. & 18. 20. Deut. 22. 23, 27.* *Adultery.*

10. If any man STEALETH A MAN or Man-kinde, he shall surely be put to death, *Exod. 21. 16.* *Man-stealing.*

11. If any Man rise up by FALSE-WITNESSE wittingly, and of purpose to take away a mans Life, he shall be put to death, *Deut. 19. 16. & 18. 16.* *False witness.*

12. If any Man CONSPIRE and ATTEMPT any INVASION, INSURRECTION or publick REBELLION against our Common-wealth: or shall endeavour to surprize any Town or Towns, Fort or Forts therein; or shall Treacherously and perfideously attempt the Alteration and Subversion of our frame of Polity or Government fundamentally, he shall be put to death, *Numb. 16. 2 Sam. 3. 2. Sam. 18. 2 Sam. 20.* *Conspiracy, Rebellion,*

13. If any Childe or Children above sixteen years old, and of sufficient understanding, shall CURSE or SMITE their natural FATHER or MOTHER, he or they shall be put to death, unless it can be sufficiently testified, that the Parents have been very unchristianly negligent in the education of such Children, or so provoked them by extreme and cruel Correction, that they have been forced thereunto to preserve themselves from Death or Maiming, *Exod. 21. 17. Levit. 20. 9. Exod. 21. 15.* *Children curse or smite Parents.*

14. If a Man have a STUBBORN or REBELLIOUS SON of sufficient years of understanding (*viz.*) sixteen years of age, which will not obey the voice of his Father, or the voice of his Mother, and that when they had chastened him, will not hearken unto them, then shall his Father and Mother, being his natural Parents lay hold on him, and bring him to the Magistrates assembled in Court, and testify unto them, that their Son is stubborn and rebellious, and will not obey their voice and chastisement, but lives in sundry and notorious Crimes: such a son shall be put to death, *Deut. 22. 20, 21.* *Rebellious Son.*

15. If any Man shall RAVISH any maid, or single Woman, committing Carnal Copulation with her by force, against her own will; that is above the age of ten years, he shall be punished either with death or with some other grievous punishment according to circumstances, as the Judges or General Court shall determine, [1649.] *Rape.*

17. Forasmuch as Carnal Copulation with a Woman Childe, under the age of ten years, is a more heinous sin then with one of more years, as being more inhumane and unnatural in it self, and more perillous to the life and well-being of the Childe: *Rape of a Child.*

It is therefore Ordered by this Court and the Authority thereof, that

whosoever he be shall commit or have Carnal Copulation with any such Childe under ten years old, and be legally convicted thereof, he shall be put to death. [1669.]

Non-appearance in a Capital Crime.

17. If any person shall be Indited for any CAPITAL CRIME, (who is not then in durance) and shall refuse to render his person to some Magistrate within one month after three Proclamations publicly made in the Town where he usually abides, there being a month between Proclamation and Proclamation: his Lands and Goods shall be seized to the use of the Common Treasury, till he make his lawful appearance. And such withdrawing of himself, shall stand in stead of one witness to prove his Crime, unless he can make it appear to the Court that he was necessarily hindred. [1646.]

Cask and Cooper. Gager. Packer.

Cask their Assize and quality.

Gagers Fee.

Coopers mark.

A. 51. p. 2.

Defective Cask forfeit.

Choice of Gager and Packer.

Packer must pack no good but in Cask of full Assize.

It is Ordered by this Court and the Authority thereof; That all Cask used for any Liquor, Fish, Beef, Pork, or other Commodities to be put to Sale, shall be of London Assize, and of sound and well seasoned Timber; And that fit persons shall be appointed from time to time, in all places needfull, to Gage all such Vessels or Cask, and such as shall be found of due Assize, shall be marked with the Gagers mark, who shall have for his pains *four pence per Tun*. And every Cooper shall have a distinct Brand mark on his own Cask, upon the penalty of forfeiture of *twenty shillings*. And whosoever shall put to Sale any new Cask, being defective, either in Workmanship, Timber or Assizes as aforesaid, upon due proof made before any one Magistrate, he shall forfeit such Cask to the Informer, and be fined to the use of the Country *ten shillings per Tun*, and so proportionably for greater or lesser Cask. And because there may be no neglect in the choice of a Gager or Packer; It is Ordered, that every Town within this Jurisdiction, wherein any Cask are made, shall yearly make choice of a fit man for that employment, who being presented by the Constable within one Month after the choice made, before any one Magistrate, shall there take his Oath belonging to his place, which if he shall refuse, he shall pay the sum of *forty shillings*, and another shall be chosen in his room. Also the Town or Constable shall either of them suffer the like penalty for their neglect of this Order. And every Gager or Packer, shall see that all Cask he packs, Beef, Pork, Mackerel, Fish or other Goods is committed to his Care, be of true and full Assize, and that he packs the same in no other Cask whatsoever, on penalty of *ten shillings* for every Cask by him packed, that is or shall be defective in that respect, one half to the Informer and the other half to the Country.

To prevent deceit in packing Beef & Pork, &c

2. And for the preventing deceit of any person in the packing of Fish, Beef and Pork to be put to Sale in this and other Jurisdictions:

It is Ordered, That in every Town where any such Goods are packed up for Sale, the Gager or Packer of that Town, or of the Town wherein it is put to Sale or Shipped, shall see that it be well and orderly performed, that

that is to say, Beef and Pork, the whole, half or quarter, and so proportionably, that the best be not left out: And so Fish, that they be packed all of one kinde, and that all Cask so packed be full and sound, and well seasoned, setting his Seal on all Cask so packed, and he shall recover of the owners for so packing and sealing, *four shillings per Tun*; but if the Gager do only view them, and finde them good and sufficient, he shall set his Seal upon them, and have *one shilling per Tun* for so doing, and if such goods so packed, shall be put to sale without the Gagers mark, he shall forfeit the said Goods that so puts them to sale; the one half to the Informer, the other half to the Country. [1641. 47. 51. 52.]

Packers fees 4. s.
per Tun

Cask not marked
forfeits.

To Regulate Coopers-Staves.

WHereas the Law tit. Pipe-staves, provides only for Pipe-staves for tight Cask, and that Hogshead-staves and Barrel staves both of white and red Oak, as well as for Pipe-staves, are frequently transported, and traffiqued in payments, both to the Country Treasury, and otherwise;

It is Ordered by this Court and the Authority thereof, That all Hogs-head staves shall be in length three foot two inches, or upwards, not exceeding three foot four inches; and all Barrel staves shall be in length thirty one inches, all well and even hewed or dressed sufficiently for use, as for Pipe-staves is expressed, whether of white or red Oak. And all Headings for Pipe-staves of any sort to be in length twenty eight inches; and for Hogsheads and Barrels, suitable to the Cask to be made thereof; and that it be inserted in the Oath appointed for Viewers of Pipe-staves, Any thing in the aforefaid Law to the contrary notwithstanding.

Coopers staves
to be well dress.

Cattle Corn-fields. Fences.

IT is Ordered by this Court and the Authority thereof; That in all Corn-fields, which are inclosed in Common, every party interested therein, shall from time to time make good his part of the fence, and shall not put in any Cattle, so long as any Corn shall be upon any part of it, upon paine to answer all the damage that shall come thereby. [1647.]

Owner make
good his Fence

No Cattle to be
put in till Corn
be out

2. Whereas it is found by experience, that there hath been much trouble and difference in several Towns, about the Fencing, Planting, sowing, Feeding and Ordering of Common fields;

Occupiers of
Land may Order
Common Fields

It is therefore Ordered by this Court and the Authority thereof; That where the Occupiers of the Land, or the greatest part thereof, cannot agree about the fencing or improvement of such their said fields, that then the Select men in the several Towns shall order the same, or in case where no such are, then the major part of the Freemen (with what convenient speed they may) shall determine any such difference as may arise upon any information given them by the said Occupiers, excepting such Occupiers Land shall be sufficiently fenced by it self, which any Occupier of Land may lawfully do. [1643. 47.]

Liberty to Fence
in several

E

3. Whereas

3. Whereas this Court hath long since provided, that all men shall Fence their Corn, Meadow, ground and such like, against great Cattle, to the end the increase of Cattle especially of Cows and their breed should not be hindered, there being then but few Horses in the Country, which since are much increased, many whereof run in a sort wilde, doing much damage in Corn and other things, notwithstanding fence made up according to the true intent of the Order in that case established, many whereof are unknown, most so unruly that they can by no means be caught or got into custody, whereby their owners might answer damages, and if sometimes with much difficulty and charge they be, they are in danger of perishing before the owner appears or can be found out, all which to Prevent;

Every Town to have a distinct mark for Cattle.

Cattle not marked trespassing pay double damage.

Unruly Cattle to go in Fetters.

Harms to be viewed by sufficient men.

Notice to be given to the owner of the Beast.

L. 2. P. 3.

L. 2. P. 3.

In voluntary Trespasses pay no cost.

L. 1. P. 31.

Goats pay double damage

It is Ordered by this Court and the Authority thereof; That every Town and Peculiar in this Jurisdiction, shall henceforth give some distinct Brand-mark, appointed by this Court (a Copy of which marks, each Clerk or the Writs in every Town shall keep a Record) upon the Horn, or Left Buttock, or Shoulder of all their Cattle which feed in open Common without constant Keepers, whereby it may be known to what Town they do belong. And if any Trespass not so marked, they shall pay double Damages: nor shall any person knowing, or after due notice given of any Beast of his to be unruly in respect of Fences, suffer such Beast to go common, or against Corn-fields, or other impropriate inclosed grounds fenced as aforesaid, without such Shackles or Fetters as may restrain and prevent Trespass therein by them from time to time. And if any Horse or other Beast Trespass in any Corn or other inclosure, being Fenced in such sort as secures against Cows, Oxen and such like orderly Cattle; the Party or Parties Trespased shall procure two sufficient Inhabitants of that Town, of good repute and credit, to view and adjudge the harms, which the Owner of the Beast shall satisfy when known upon reasonable demand, whether the Beast were impounded or not: But if the Owner be known, and near residing, as in the same Town or the like, he shall forthwith have notice of the Trespass and Damage charged upon him, that if he approve not thereof, he may nominate one such man, who with one other chosen by the party damnified, as aforesaid, shall review and adjudge the harms; Provided they agree of damage within one day after due notice given, and that no after harms intervene to hinder it, which being forthwith discharged, together with the charge of the notice, former view and determination of damage, the first Judgement to be void, or else to stand good in Law; Provided notwithstanding, the party Trespased shall not be barred of his Action, albeit the harms be not viewed and judged according to the direction aforesaid.

And if any Cattle be found damage feizant, the party damnified may impound or keep them in his own private Close or Yard, till he may give notice to the owner, and if they cannot agree, the Owner may Replevie them, or the other party may return them to the owner, and take his remedy according to Law; yet in case of involuntary Trespasses, where such Trespasser shall pay, or Legally tender full recompence for all the damage done by him before any suit commenced, the Plaintiffe shall recover no cost of his suit.

And in all Trespasses or damages done to any man, if it can be proved to be done by the meer default of him to whom the damage is done, it shall be judged no Trespass, nor any damage given for it. [1646]

4. For all harms done by Goats, there shall be double damage allowed, and when any Goats are taken in Corn or Gardens, the owner of each

such Corn or Garden, may keep and use the said Goats till full satisfaction be made by the owners. [1646.]

5. Forasmuch as Complaints have been made of a very evil Practice of some disordered Persons in the Country, who use to take other mens Horses, sometimes upon the Commons, and sometimes out of their own Grounds and Inclosures, & ride them at their pleasure without any leave or privity of the Owners;

It is therefore Ordered and Enacted by the Authority of this Court; That whosoever shall take any other mans Horse, Mare, Ass, or drawing beast, either out of his inclosure, or upon any Common or elsewhere, (except such be taken damage feizant and disposed of according to Law) without leave of the Owner, and shall ride or use the same, he shall pay to the party wronged treble damages, or if the Complainant shall desire it, then to pay only ten shillings, and such as have not to make satisfaction, shall be punished by whipping, imprisonment or otherwise, as by Law shall be adjudged, and any one Magistrate or County Court may hear and determine the same. [1647.]

Riding or wrong-
ing other mens
Horse or Cattle
without leave

Penalty treble
damage or whip.

6. For the better preserving of Corn from damage, by all kinde of Cattle, and that all Fences of Corn-fields, may from time to time be sufficiently upheld and maintained; A. 53. P. 20

It is Ordered by this Court, That the Select men of all Towns, shall make wholesome Orders, for the repairing of all Fences both general and particular, within their severall Townships, excepting Fences belonging to Farms of one hundred Acres or above, and have power to impose fines upon all Delinquents, not exceeding twenty shillings for one offence; and if any Select men shall neglect to make Orders as aforesaid, they shall forfeit five Pounds to the use of the Town, and so for every Months default from time to time; and the said Select men of every Town shall appoint, from year to year, two or more (if need require) of the Inhabitants thereof, to view the Common fences, of all their Corn-fields, to the end, to take due notice of the real defects and insufficiency thereof, who shall forthwith acquaint the owners thereof with the same; and if the said Owners do not within six dayes time or otherwise as the Select men shall appoint, sufficiently repair their said defective fences: then the said two or more Inhabitants appointed as aforesaid, shall forthwith repair or renew them, and shall have double recompence for all their labour, care, cost and trouble, to be paid by the Owners of the said insufficient Fence or Fences, and shall have warrant from the said Select men, directed to the Constable to levy the same, either upon the Corn or other estate of the Delinquent: Provided the defect of the Fence or Fences be sufficiently proved by two or three witnesses. [1647.]

Select men to
order the repair
of Fences

To appoint
viewers of com-
mon Fences

To give notice
of defect to the
Owners

Owners to re-
pair within six
dayes.

Else the viewers
to mend them &
have double re-
compence.

7. Where Lands lye in Common unfenced, if one man shall improve his Land, by fencing in several, and another shall not, he who shall so improve, shall secure his Land against other mens Cattle; and shall not compel such as joyn upon him to make any Fence with him, except he shall also improve in several as the other doth. And where one man shall improve before his neighbour, and shall make the whole Fence, if after his said neighbour shall improve also, he shall then satisfy for half the others Fence against him, according to the present value, and shall maintain the same; and if the first man shall after lay open his said field, then the said neighbour shall enjoy his said half Fence so purchased to his own use, and shall also have liberty to buy the other half Fence, paying according to present

Partition Fence
between neigh-
bours, born by
both.

House Lots
Fences.

Insufficient
fence no damage
except by Swine
and Calves.

valuation, to be set by two men chosen, by either party one: the like Order shall be where any man shall improve Land against any Town-Common. Provided this Order shall not extend to House Lots not exceeding ten Acres; but if such one shall improve, his neighbour shall be compellable to make and maintain one half of the Fence between them, whether he improve or not. Provided also, no man shall be liable to satisfaction for damage done in any ground not sufficiently fenced, except it shall be for damage done by Swine, or Calves under a year old, or unruly Cattle which will not be restrained by ordinary Fences, or where any man shall put his Cattle, or otherwise voluntarily Trespass upon his neighbours ground: and if the party damnified finde the Cattle damage feizant, he may impound or otherwise dispose of them. [1642]

FENCE.

VHereas the Laws published concerning Fences and Cattle, being in the second Edition, transported from their first order and method, much difficulty doth many times arise concerning the true meaning thereof, whereby great damages do accrew to many of the Inhabitants, and consequently, to the Country: For prevention whereof;

Fence to secure
Corn Fields.

This Court doth Order and Enact, That where any Cattle shall Trespass on any propriety, not appearing to be sufficiently Fenced, against Swine sufficiently yoked and ringed, or Cowes and such Cattle as will be restrained by a sufficient Fence, in the judgement of the viewers of the Fences, as *Pag. 11. Sect. 6.* in all such cases the Owners of the Fence, or of the Land, shall bear all such damages, as to them thereby sustained, any thing in the said Order, or any other Law, Custome or Usage to the contrary notwithstanding. [1662]

Causes Small Causes.

One Magistrate
may end causes
under 40. s.

FOR easing the Charge and Incumbrance of Courts by small Causes; It is Ordered by this Court and Authority thereof; That any Magistrate in the Town where he dwells, may hear and determine by his discretion (not by Jury) according to the Laws here established, all causes arising in that County, wherein the Debt, Trespass or Damage, doth not exceed Forty shillings, who may send for parties and witnesses by Summons or Attachment directed to the Marshall or Constable, who shall faithfully execute the same.

Three Commis-
sioners in Towns
to end small
causes.

And it is further Ordered, that in such Towns where no Magistrate dwells, the Court of Assistants or County Court, may from time to time upon request of the said Towns, signified under the hand of the Constable, appoint three of the Freemen as Commissioners in such cases, any two whereof, shall have like power to hear and determine all such causes wherein either party is an Inhabitant of that Town, who have hereby power to send for Parties and Witnesses, by Summons or Attachment directed to the Constable, as also to Administer Oaths to Witnesses, and to give

give time to the Defendant to Answer if they see cause; and if the Party Summoned refuse to give in his Bond or Appearance; or sentenced, refuse to give satisfaction, where no goods appear in the same Town where the Party dwells, they may charge the Constable with the party, to carry him before a Magistrate or Shire Court (if then sitting) to be further proceeded with according to Law, but the said Commissioners may not commit to Prison in any case. And where the Parties live in several Towns, the Defendant shall be liable to be sued in either Town at the liberty of the Plaintiff.

L. 1. p. 46.

2. *And forasmuch as the Magistrates are under an Oath of God, for dispensing equal justice according to Law;*

It is Ordered by the Authority aforesaid, that all Associates for County Courts; when and where there shall be any, and all such Commissioners Authorized as aforesaid, shall be sworn before each County Court or some Magistrate in that County, unto the faithful discharge of the trust and power committed to them. :

Associates and Commissioners to be sworn.

And it is further Ordered, That in all small Causes as aforesaid, where only one Magistrate dwells in the Town, and the Cause concerns himself, as also in such Towns where no Magistrate is, and the Cause concerns any of the three Commissioners, that in such cases the Select men of the Town, shall have power to hear and determine the same, and also to graunt execution for the levying and gathering up such damages for the use of the person damnified, as one Magistrate or three Commissioners may do. And no Debt or Action proper to the Cognizance of one Magistrate or the three Commissioners as aforesaid, shall be received into any County Court, but by Appeal from such Magistrate or Commissioners, except in cases of Defamation and Battery. [1647. 49.]

Select men to try Causes.

L. 1. p. 4.

County Court to reject all Actions under 40 s.

3. *Whereas by reason of the concurrence of People, and increase of trade in the Town of Boston, Suits at Law are grown more frequent, whereby the County Courts are much prolonged, and forasmuch as many crimes are also committed in the said Town, by strangers and others, which often escape unpunished; For the prevention whereof,*

A. 51. p. 6.

It is Ordered by this Court and the Authority thereof, that there be seven Freemen resident in Boston; annually chosen by the Freemen of the said Town, and presented to the Court of Assistants, who hereby have power to Authorize the said seven Freemen to be Commissioners of the said Town, to act in things committed to their trust, as is hereafter expressed; who shall from time to time be sworn before the said Court, or the Governour, Deputy Governour or any two Magistrates. And this Court doth hereby give and graunt Commission and Authority unto the said seven men, or any five of them, or any three of them with one Magistrate, to hear and determine all Civil Actions which shall be brought before them, not exceeding the sum of Ten Pounds; arising within the neck of Land on which the Town is Scituate, as also on Noddles Island, or betwixt any persons where both parties shall be Inhabitants or Residents within the said Neck or Noddles Island aforesaid, or where either party shall be an Inhabitant or Resident aforesaid; Provided they keep a Book of Records for the entry of all Causes, Evidences, Testimonies, Sentences and Judgements as the Law provides in like Cases; which said Commissioners are Authorized annually, to appoint a Clerk of their Court and to demand and receive of every Plaintiff in all Cases or Actions not exceeding Forty shillings, the sum of three shillings four pence; and for all other

Commissioners of Boston.

Chosen.

Sworn.

Power in civil Cases to ten pounds.

other Actions, the sum of *ten shillings*; and for all other things the accustomed fees; and the said Commissioners shall from time to time publish their Court dayes, as the three Commissioners in Towns are bound to.

And for the discovery, prevention and punishment of Misdemeanours in the Town of Boston;

In Criminal Cases.

Power and Authority is hereby given and granted to the said Commissioners, and every of them, by Warrant under their or his hand, to convent before them, or any of them, all such persons as shall be complained of for such offences, or otherwise brought to their cognizance, and to hear and determine the same, according to the Laws here established as any Magistrate may do, Provided the fines imposed by them, do not exceed *forty shillings* for one offence.

Officers required to assist the Commissioners

And that the said Commissioners may the better and more diligently endeavour the suppressing of sin and misdemeanours, and the breach of the peace in the said Town; Their Commission shall be from time to time, under the hand of the Secretary of the General Court. And also all Marshalls, Constables and other Inhabitants respectively, are required to be aiding and assisting our Commissioners aforesaid in this behalf.

And that no person may be discouraged or dammified by this Commission; It shall be lawful for any person to Appeal from the Sentence of all or any of them to the Court of Assistants. [1651.]

A.4.P.2.

4. *And because the Commissioners in the the severall Towns have Power of Judicature, the exercise whereof is of great concernment, both to Towns and Country;*

None to be Commissioner but such as are approved.

It is therefore Ordered, that henceforth there shall be none admitted to be a Commissioner for any Town in this Jurisdiction, but such whose conversation is inoffensive, and whose fidelity to the Country is sufficiently known and approved of by the County Court of that Shire. [1654.]

Charges Publick.

None to be employed in publick service at their own charge

It is Ordered by this Court and the Authority thereof, That no Governour, Deputy Governour, Assistant, Associate, Grand or Petty Jury man at any Court, nor any Deputy for the General Court, nor any Commissioners for Military Discipline at the time of their publick meetings, shall at any time bear his own charges, but their necessary expences shall be defrayed, either by the Town, or the Shire on whose service they are, or by the Country in general. [1631. 41.]

2. *The Court considering the necessity of an equal Contribution to all common charges in Towns;*

Every Inhabitant to pay to all charges in Church and Common-wealth

Doth Order, That every Inhabitant shall Contribute to all Charges both in Church and Common-wealth, whereof he doth or may receive benefit: And every such Inhabitant who shall not Contribute proportionably to his ability to all common Charges, both Civil and Ecclesiastical, shall be compelled thereunto, by Assessment and Distress, to be levied by the Constable or other Officer of the Town; and the Lands and Estates of all men (wherein

wherein they dwell) shall be Rated for all Town charges, both Civil and Ecclesiastical (as aforesaid) where the Lands and Estates shall lye, and their persons where they dwell.

Lands & Estates
to pay where
they lye.

3. For a more equal and ready way of raising means for defraying the publick charges, and for preventing such inconveniences as have fallen out upon former Assessments;

It is Ordered and Enacted by the Authority of this Court; That the Treasurer for the time being, shall from year to year in the fifth Month, without expecting any other Order, send his warrants to the Constable and Select Men of every Town within this Jurisdiction, requiring the Constable to call together the Inhabitants of the Town, who being so assembled, shall chuse some one of their Freemen to be a Commissioner for the Town, who together with the Select men, for their prudential affairs, shall some time in the sixth Month then next ensuing, make a List of all the Male persons in the same Town from sixteen years old and upwards, and a true estimation of all personal and real estates, being or reputed to be the estate of all and every the persons in the same Town, or otherwise under their custody or managing according to just valuation, and to what persons the same do belong, whether in their own Town or elsewhere, so near as they can by all lawful means which they may use, viz. of Houses, Lands of all sorts, as well broken up as other (except such as doth or shall lye common for free feed of Cattle, to the use of the Inhabitants in general, whether belonging to Towns or particular Persons, but not to be kept or hearded upon to the damage of the Proprietors,) Mills, Ships and all small Vessels Merchantable, Goods, Cranes, Wharfs, and all sorts of Cattle, and all other known Estate whatsoever, either at Sea or on Shore; all which Persons and Estates are by the said Commissioners and Select men to be assessed and rated as here followeth, viz. every Person aforesaid (except Magistrates and Elders of Churches) one shilling and eight pence by the head, and all Estates, both real and personal, at one penny for every twenty shillings, according to the Rates of Cattle hereafter mentioned. The Estates of all Merchants, Shop-keepers and Factors, shall be Assessed by the Rule of common estimation, according to the Will and Doom of the Assessors, having regard to their Stock and Estate, be it presented to view or not, in whose hands soever it be; and if any such Merchants finde themselves over valued, if they can make it appear to the Assessors, they are to be eased by them, if not, by the next County Court; And Houses and Land, of all sorts (except as aforesaid) shall be rated at an equal and indifferent value, according to their worth in the Towns and Places where they lye. Also every Bull and Cow of four years old and upward at three pounds, Heifers and Steers between three and four years old at fifty shillings, and between two and three years old at forty shillings, and between one and two at twenty shillings, and every Oxe of four years old and upward at five pounds, every Horse and Mare of three years old and upward five pounds, between two and three at three pounds, of one year old and upwards at thirty shillings; every Ewe sheep above one year old at ten shillings, every Goat above a year old at eight shillings, every Weather sheep above one year old at ten shillings; every Swine above one year old at twenty shillings; Every Ass above one year old at forty shillings: And all Cattle of all sorts under a year old, are hereby exempted; as also all Hay and Corn in the Husbandmans hand, because all Meadow, arable Ground and Cattle are Rateable as aforesaid.

Country Rate

Treasurers war-
rant to the Con-
stable.

Persons & Estates
to be valued in
the sixth month.

Persons at 1 s.
8 d. per head

Estates at one
penny per pound

A. 51. p. 1.

Merchants rated
by will & doom

A. 57. p. 23.

Rate of houses &
lands.

Rate of Cattle.

And for all such persons as by the advantage of their Arts and Trades,
are

Artificers and
Handicrafts
Rated.

Important per-
sons exempted.

Commissioners
meet at the Shire
Town.

To perfect the
Assessments.

Constables to
Collect in the
ninth month.

Peculiars to be
Assessed at the
next Town.

Commissioners
or Select mens
failings

Forfeit 40.s.

are more enabled to help bear the publick charge then common labourers and Workmen, as *Butchers, Bakers, Brewers, Victuallers, Smiths, Carpenters, Taylors, Shoemakers, Joiners, Barbers, Millers and Masons*, with all other manual persons and Artists, such are to be rated for returns and gaires, proportionable unto other men for the produce of their Estates; Provided that in the Rate by the Poll, such persons as are disabled by sickness, lameness or other infirmity shall be exempted. And for such Servants and Children as take not wages, their Parents and Masters shall pay for them, but such as take wages shall pay for themselves.

And it is further Ordered, That the Commissioners for the several Towns, in every Shire, shall yearly upon the first fourth day of the week in the seaventh Month, assemble at their Shire Town, and bring with them fairly written the just number of Males listed as aforesaid, and the Assessments of Estates made in their several Towns, according to the Rules and Directions in this present Order expressed; and the said Commissioners being so assembled, shall duely and carefully examine all the said Lists and Assessments of the several Towns in that Shire, and shall correct and perfect the same, according to the true intent of this Order, as they or the major part of them shall determine, and the same so perfected, they shall speedily transmit to the Treasurer under their hands, or the hands of the major part of them; and thereupon the Treasurer shall give warrants to the Constables to collect and levy the same; so as the whole Assessment, both for Persons and Estates, may be paid in unto the Treasurer before the *twentieth day of the ninth Month* yearly: And every one shall pay their Rate to the Constable in the same Town where it shall be Assessed, (nor shall any Land or Estate be Rated in any other Town but where the same shall lye, or was improved to the Owners, reputed Owners, or other Proprietors use or behoof, if it be within this Jurisdiction) And if the Treasurer cannot dispose of it there, the Constable shall send it to such place in *Boston*, or elsewhere, as the Treasurer shall appoint, at the charge of the Country, to be allowed the Constable upon his account with the Treasurer, and for all peculiars, viz. such places as are not yet laid within the bounds of any Town, the same Lands with the Persons and Estates thereupon, shall be Assessed by the Rates of the Town next unto it, the measure or estimation shall be by the distance of the meeting houses.

And if any of the said Commissioners, or of the Select men, shall wittingly fail or neglect to perform the trust committed to them by this Order, in not making, correcting, perfecting or transmitting any of the said Lists or Assessments according to the intent of this Order;

Every such Offender shall be fined *forty shillings* for every such offence, or so much as the Country shall be damaged thereby, so it exceed not *forty shillings* for one offence, provided such offence be complained of and prosecuted within six months.

And it is further Ordered, that upon all Distresses to be taken for any of the Rates and Assessments aforesaid, the Officer shall distrein Goods or Cattle if they may be had, and if no Goods, then Lands or Houses, if neither Goods nor Lands can be had within the Town where such Distress is to be taken, then to Attach the body of such persons to be carried to Prison, there to be kept till the next Court of that Shire, except they put in security for their appearance there, or that payment be made in the mean time.

And it is Ordered, that the prizes of oill sorts of Corn, to be received upon any Rate by virtue of this Order, shall be such as this Court shall see

set from year to year, and in want thereof at price curreant, to be judged by the Commissioners of *Essex, Middlesex and Suffolk*.

And it is further Ordered, that no Estate of Land in *England*, shall be Rated in any publick Assessment; And it is hereby Declared, that by publick Assessment and Rates, is intended only such as are Assessed by Order of the General Court for the Countries occasion and no other. [1646. 47, 51, 57.]

Land in Eng-
land Rate free

4. It is Ordered, that every Constable within this Jurisdiction, shall on the penalty of five pounds; clear up all their Accounts with the Treasurer, for the Rates of their several Towns, by the first of *May* yearly, and they and every of them are impowred to press boats or carts, for the better and more speedy sending in their Rates, according to the time appointed.

A. 56. P. 11

Constables to
clear their Ac-
counts with the
Treasurer by the
first of May.

And if any Constable shall not have Collected the Rates and Assessments, committed to his charge by the Treasurer, during the time of his Office, that he shall, notwithstanding the expiration of his Office have power to Levy by distress, all such Rates and Levies; and if he bring them not in to the Treasurer according to his warrant, the Treasurer shall distreyn such Constables goods for the same.

L. 1. P. 46.

Constable after
the expiration
of his Office
have power to
Collect Rates.

And if the Treasurer shall not so distreyn the Constable, he shall be answerable to the Country for the same: And if the Constable be not able to make payment, it shall be lawfull for the Treasurer to distreyn for all arrearages of rates and leavies, any man or men of that Town where the Constables are unable, and that man or men upon petition to the General Court, shall have Order to Collect the same again equally of the Town, with his just damages for the same. [1640. 56.]

Tre- surer may
distrein the Con-
stable or any o-
ther Inhabitant.

RATING STRANGERS.

THis Court understanding that several Gentlemen Merchants strangers, in the beginning of every year, frequently coming into these parts, and bringing great store of English and other goods of all sorts to great value; and usually making up their markets to their great advantage before the Sixth Month, when the Rates, or Order for the Collecting of them by Law is to issue out, (not without a considerable disadvantage to the Merchants and Shop-keepers, Residents and Inhabitants of this Colony, who have born the heat of the day, and are fain to be at all the charge for supporting of the Government) and the said Merchants strangers taking the chief of the benefit of the Trade, and make their escapes without any payment to support the Government of this place, under, and by which they reap so great advantage to themselves: It is therefore Ordered, that it shall be henceforth lawfull for the Select men of each Town, where such Strangers are, or shall be, to assess all such Strangers, according to the Cargo's they shall bring into this Country: Or in case of their refusall, to give a true Account of their Estate to the Select-men; then the said Select-men shall, and hereby are impowred to make their Assessment on all such Strangers in any Moneth of the Year, yearly, in proportion to a single Rate by will and doom, as the Inhabitants of this Country are used to be rated; and for non-payment, by the Constables to Levy their said Assessments, as in other cases, by Warrant from the said Select-men. [1665.]

Order for As-
sessment on
Strangers.

FOR the preventing of differences arising between the Treasurer of the Country and the Constables of the Townes, in Collecting and receiving the Country

F

Rate

For prevention
of difference be-
tween Tre- surer
and Constables

Rate, and of great damage thereby happening to the Country;

It is Ordered by this Court, that where any pay is tendered, the price whereof is not determined by this Court, the place of Apprisement shall be where the payment is tendered to the Treasurer, or his Order by men indifferently chosen, as the Law directs. [1667.]

Ministers of
Gods word Rate
free.

IT is Ordered by this Court and the Authority thereof, that henceforth the *Ministers of Gods Word*, regularly Ordained over any Church of Christ, Orderly gathered and Constituted; shall be freed from all Rates for the Country, County and Church, and for the Town also; except where by special Contract with the Town they have consented thereunto: Provided this freedome shall extend onely to such estate as is their own proper estates, and under their own Custody and improvement. [1671.]

Children and Youth.

Forasmuch as the good Education of Children is of Singular behoofe and benefit to any Common-wealth, and whereas many Parents and Masters are too indulgent and negligent of their duty in that kind;

Select mens care
that all children
may be taught
to Reade.

It is Ordered, that the Select men of every Town, in the severall Precincts and quarters where they dwell, shall have a vigilant eye over their brethren and neighbours, to see, First that none of them shall suffer so much Barbarism in any of their families, as not to endeavour to teach, by themselves or others, their Children and Apprentices, so much learning, as may enable them perfectly to read the English tongue, and knowledge of the Capital Lawes: upon penalty of *twenty shillings* for each neglect therein.

And Catechized

Also that all Masters of families, do once a week (at the least) Catechise their children and servants in the Grounds and Principles of Religion, and if any be unable to do so much; that then at the least they procure such children and apprentices, to learn some short Orthodox Catechisme without book, that they may be able to answer unto the questions that shall be propounded to them out of such Catechism, by their Parents or masters, or any of the Select men when they shall call them to a tryal, of what they have learned in that kind.

Children to be
brought up in
some calling.

And farther that all Parents and Masters do breed and bring up their children and apprentices in some honest lawfull Calling, Labour or employment, either in husbandry or some other trade, profitable for themselves and the Common-wealth, if they will not or cannot train them up in learning, to fit them for higher employments.

Unruly children
placed out by
Select men.

And if any of the Select men; after admonition by them given to such masters of families, shall find them still negligent of their duty in the particulars afore mentioned, whereby Children and servants become rude, stubborn, and unruly: the said Select men with the help of two Magistrates, or the next County Court for that Shire, shall take such children or apprentices from them, and place them with some Masters for yeares, (boyes till they come to *twenty one*, and girles *eighteen yeares* of age compleat) which will more strictly look unto, and force them to submit unto Government, according to the rules of this Order, if by fair meanes and former instructions they will not be drawn unto it. [1672.]

2. Forasmuch as it appeareth by too much experience, that diverse Children and Servants, do behave themselves disobediently and disorderly towards their Parents, Masters and Governours; to the disturbance of families, and discouragement of such Parents and Governours; A. 54. P. 6.

It is Ordered by this Court and Authority thereof, That it shall be in the Power of any one Magistrate, by warrant directed to the Constable of that Town where such offender dwells, upon complaint, to call before him any such offender, and upon conviction of such misdemeanors, to sentence him to endure such Corporal punishment, by whipping or otherwise, as in his judgment the Merit of the fact shall deserve, not exceeding ten stripes for one offence, or bind the offender to make his appearance at the next County Court; Disobedient Children & Servants punished by one Magistrate

And further it is also Ordered, that the Commissioners of Boston, and the three Commissioners of each Town where no Magistrate dwells, shall have the like Power; Provided that the person or persons so sentenced, shall have liberty to make their Appeale to the next County Court, in any such cases. Or by the Commissioners.

3. Upon Information of diverse loose, vain and corrupt persons, both such as come from Forrain parts, as also some others here inhabiting or residing, which insinuate themselves into the fellowship of the young people of this Country, drawing them both by night and by day, from their callings, studies and honest occupations, and lodging places, to the dishonour of God, and grief of their Parents, Masters, Tutors, Guardians and Overseers &c. A. 51. P. 4.

It is Ordered by this Court and the Authority thereof, That whosoever shall any wayes cause or suffer any Young people or persons whatsoever, whether Children, servants, apprentices, Schollars belonging to the Colledge, or any Latine school, to spend any of their time or estate, by night or by day, in his or their Company, Ship or other vessell, Shop or house, whether Ordinary, Tavern, victualing house, Cellar or other place where they have to do, and shall not from time to time, discharge and hasten all such Youths to their several employments and places of abode, or lodging aforesaid, if their being in any such place be known to them, or any other servant or help in the family, or supplying the place of a servant at Sea or on land: that then such person, householder, shop-keeper, ship-master, ordinary-keeper, taverner, victualer, or other; shall forfeit the sum of forty shillings upon legal conviction before any Magistrate, or the Commissioners Authorized to end small causes, one halfe to the informer, the other halfe to the Country; and all Constables in their several Limits are Required to Act herein as is provided in reference to the Law concerning Inkeepers. Persons under government not to be entertained in common houses.

4. Whereas sundry Gentlemen of quality, and others, oft times send over their Childr. n into this Country to some friends here, hoping (at least) thereby to prevent their Extravagant and riotous courses; who notwithstanding (by meanes of some unadvised or ill affected persons, which give them credit, in expectation their friends either in favour to them, or prevention of blemish to themselves, will discharge their debts) they are no less lavish and profuse here, to the great grief of their friends, dishonour of God; reproach of the Country;

It is therefore Ordered by this Court, That if any person after publication hereof, shall any way give credit to any such Youth, or other person under one and twenty yeares of age, without order from their friends here or else where under their hands in writing, they shall loose their debt what Debts made by persons under age not recoverable.

what ever it be; And further, if such Youth or person incur any penalty by such meanes, and have not wherewith to pay, such person or persons as are occasions thereof, shall pay it, as the delinquents in the like case should do. [1647.]

Parents denying
marriage &c;

5. If any person shall willfully and unreasonably deny any Child, timely or convenient marriage, or shall exercise any unnatural severity toward them; such children shall have liberty to complaine to Authority for redress in such cases. [1641.]

Orphans not be
disposed on
without a Court

6. No Orphan, during their minority, which was not committed to tuition or service by their Parents in their life time, shall afterwards be absolutely disposed of by any, without the consent of some Court, wherein two Assistants (at least) shall be present, except in case of marriage, in which the approbation of the major part of the Select men of that Town, or any one of the next Assistants shall be sufficient, and the minority of women in case of marriage, shall be sixteen yeares. [1646.]

Chirurgions, Midwives, Physitians.

L. 2. P. 3.

FORasmuch as the Law of God allows no man to impair the Life, or Limbs of any Person, but in a judicial way;

No force or violence to be used in any case without consent &c.

It is therefore Ordered, That no person or persons whatsoever, employed at any time about the bodies of men, women or children, for preservation of life or health; as Chirurgions, Midwives, Physitians or others, presume to exercise, or put forth any act contrary to the known approved Rules of Art, in each Mystery and occupation, nor exercise any force, violence or cruelty upon, or towards the body of any, whether young or old, (no not in the most difficult and desperate cases) without the advice and consent of such as are skillfull in the same Art, (if such may be had) or at least of some of the wisest and gravest then present, and consent of the patient or patients if they be *mentis compotes*, much less contrary to such advice and consent; upon such severe punishment as the nature of the fact may deserve, which Law nevertheless, is not intended to discourage any from all lawfull use of their skill, but rather to encourage and direct them in the right use thereof, and inhibit and restraine the presumptuous arrogancy of such as through pride of their own skill, or any other sinister respects, dare boldly attempt to exercise any violence upon or towards the bodies of young or old, one or other, to the prejudice or hazard of the life or limbe of man, woman or child. [1649]

Clerke of the Writts.

L. 2. P. 13.

IT is Ordered by this Court and Authority thereof; That (notwithstanding every Magistrate hath power to graunt Warrants, Summons and Attach

Attachments) in every Town within this Jurisdiction, there shall henceforth be a Clerke of the Writts, nominated by each Town, and allowed by each Shire Court; to grant Summons and Attachments in all Civil Actions; at the liberty of the Plaintiffe, and Summons for Witnesses; and the said Clerks are allowed to grant Replevins, and to take Bond with sufficient security of the party to prosecute the Suite, whose Fees shall be, for every Warrant *two pence*, a Replevin or Attachment *three pence*, and for a Bond *four pence*. And all Attachments are to be directed to the Constables, in such Townes where there is no Marshal dwelling. [1641]

Clerks fees,

Warrants directed to the Constable.

It is Ordered, That henceforth the Clerke of the Writts shall demand of such as receive Attachments of them, *three pence* a peece more then formerly, in behalfe of the Marshal General, which shall be in lieu of that *three pence* on Attachments, by a former Law he was to receive of the Constable or County Marshal, and that the Constables shall have but *twelve pence* upon an Attachment as formerly. [1660]

Clerk of the Writts to Respond the Marshalls fees of 3d Attachment.

COLLEDGE.

VV Hereas through the good hand of God upon us, there is a Colledge founded in Cambridge in the County of Middlesex, called Harvard Colledge; for the incouragement whereof, this Court hath given the Summe of four hundred pounds, and also the Revenue of the Ferry bewixt Charles-town and Boston; and that the well Ordering and manning of the said Colledge is of great concernment;

It is therefore Ordered by this Court and the Authority thereof, That the Governour, and Deputy Governour for the time being, and all the Magistrates of this Jurisdiction, together with the teaching Elders of the six next adjoyning Townes, viz: Cambridge, Watertowne, Charles-towne, Boston, Roxbury and Dorchester, and the President of the said Colledge for the time being, shall from time to time have full Power and Authority to make and establish all such Orders, Statutes and Constitutions, as they shall see necessary for the Instituting, Guiding and furthering of the said Colledge, and several members thereof, from time to time, in Piety, Morallity and Learning, and also to dispose, order and mannage to the use and behoofe of the said Colledge and members thereof, all Gifts, Legacies, Bequeaths, Revenues, Lands and Donations, as either have been, are, or shall be Conferred, Bestowed, or any wayes shall fall, or come to the said Colledge. And whereas it may come to pass, that many of the said Magistrates and said Elders may be absent, or otherwise employed about other weighty Affaires; when the said Colledge may need their present Help and Counsell; It is therefore Ordered, that the greater number of Magistrates and Elders, which shall be present with the President, shall have the Power of the whole; Provided that if any Constitution, Order or Orders by them made, shall be found hurtfull unto the said Colledge, or the members thereof, or to the Weal-publick, then upon Appeal of the Party or Parties grieved, unto the company of Overseers first mentioned, they shall Repeal the said Order or Orders (if they shall see cause) at their next meeting,

Commissioners and Feoffees of the Colledge.

To make Orders

Dispose of Gifts and Revenues.

or stand accountable thereof to the next General Court. [1636. 40. 42.]

A. 54. P. 2. 2. Whereas we cannot but acknowledge the great goodnes of God towards his People in this Wilderネス, in raising up Schooles of Learning, and especially the Colledge, from whence there hath sprung many Instruments, both in Church and Common-wealth, both to this and other places: And whereas at present the work of the Colledge hath been several wayes obstructed, and seems yet also at present, for want of comfortable maintenance, for the encouragement of a President: This Court taking the same into their serious consideration, and finding that though many Propositions have been made for a voluntary Contribution, yet nothing hath hitherto been obtained from severall persons and Townes, although some have done very liberally and freely, and fearing lest we should shew our selves ungratefull to God, or unfaithfull to posterity, if so good a Seminary of Knowledge and Virtue should fall to the ground through any neglect of ours;

One hundred
pounds given by
the Court to the
President and
Fellows.

It is therefore Ordered by this Court and the Authority thereof, That (besides the Profit of the Ferry formerly granted to the Colledge, which shall be continued) there shall be yearly Levied by Addition to the Country Rate one hundred pounds, to be paid by the Treasurer of the Country to the Colledge Treasurer, for the behoofe and maintenance of the President and Fellows, to be distributed between the President and Fellows according to the determination of the Overseers of the Colledge, and this to continue, during the pleasure of the Country.

And it is hereby Ordered, That no man shall stand engaged to pay his voluntary Contribution, that he hath under-written, by virtue of this Courts propositions, and that such persons as have already done voluntarily, shall be considered for the same in the Country Rate, such a proportion as this addition of one hundred pounds doth adde to the Rate, to be allowed by the Constable to each person, and by the Treasurer to the Constable. [1659]

CONDEMNED.

None to be executed within 4
dayes after Con-
demnation.

It is Ordered by this Court; That no man Condemned to dye, shall be put to Death within four dayes next after his condemnation, unless the Court see special cause to the contrary, or in case of Marshal Law: nor shall the Body of any man so put to death, be unburied twelve houres, unless it be in case of Anotomie. [1641]

Signing of Warrants for execution.

It is Ordered by this Court and the Authority thereof, That the Secretary for the time being, shall from time to time, Signe all Warrants for the execution of persons sentenced to Death, either in the General Court or Court of Assistants: and that the Secretary or Clerke of every Court shall signe Warrants for executions in all other judgements of Courts Civil or Criminal; any Custome or usage to the contrary notwithstanding. [1668]

CONST.

C O N S T A B L E S.

IT is Ordered by this Court and Authority thereof, That the Constable shall Whip, or Punish any to be punished by Order of Authority (where there is not another Officer appointed to do it) in their own Townes, unless they can get another to do it; Also every Constable is Impowered and hereby Enjoyed, faithfully to Collect such Rates and Assessments as shall from time to time be committed unto them, by the Select men of the several Towns, provided it be by Warrant under their hand.

Constable to
Whip.

A. J. P. 23

To Collect town
Rates.

2. It is further Ordered; That any and every Person tendered to any Constable of this Jurisdiction, by any Constable or other Officer, of our owne, or belonging to any Forraigne Jurisdiction in this Country, or by Warrant from any such Authority; shall be presently received and conveyed forthwith from Constable to Constable, till they be brought to the place to which they are sent, or before some Magistrate of this Jurisdiction, who shall dispose of them as the justice of the cause shall require.

To convey Of-
fenders.

And all *Hues & cries* shall be duely received and diligently pursued to full effect; And where no Magistrate is neer, every Constable shall have full power to make, signe, and put forth, pursuities or *Hues & cries*, after *Murderers, Manslayers, Peace-breakers, Theeves, Robbers, Burglavers*, and other Capital offenders, as also to Apprehend without warrant, such as are overtaken with *Drinke, Swearing, Sabbath-breaking, Lying, Vagrant persons, Night-walkers*; Provided they be taken in the manner, either by the sight of the Constable, or by present information from others.

Hues & cries to
be pursued.

To be put forth
by the Constable

Offenders to be
Apprehended.

As also to make search for all such persons, either on the Sabbath day or other, when there shall be occasion, in all houses Licensed to sell either Beer or Wine, or in any other suspected or disordered places, and those to Apprehend and keep in safe custody, till opportunity serve to bring them before one of the next Magistrates, to further examination; Provided when any Constable is imployed by any of the Magistrates, for Apprehending of any person, he shall not do it without Warrant in writing;

And if any person shall refuse to assist any Constable, in the execution of his Office, in any of the things afore mentioned, being by him required thereto; they shall pay for neglect thereof *ten shillings*, to the use of the Country, to be levied by Warrant from any Magistrate, before whom any such offender shall be brought, and if it appear by good testimony, that any shall willfully, obstinately, or contemptuously refuse or neglect to assist any Constable as is before expressed, he shall pay to the use of the Country *forty shillings*.

All constables the
Constable on pe-
nalty of 10. li.

willfull neglect
forty shillings.

And that no man may plead ignorance for such neglect or refusal;

It is Ordered, that every Constable shall have a *Black Staff*, of five foot long, Tipped at the upper end about *five inches* with brass, as a Badge of his Office, which he shall take with him when he goeth to discharge any part of his Office; which staff shall be provided at the charge of the Town, and if any Magistrate, Constable, or any other upon urgent occasion, shall refuse to do their best endeavour, in rayling and prosecuting *Hues & cries*, by foot, and if need be by horse, after such as have committed Capital Crimes, they shall forfeit for every such offence to the use aforesaid *fourty shillings*. [1646.]

Constable Staff

Not rayling Hue
and cries in Ca-
pital cases forfeit

For the Regulating and settling the charge of prosecution of *Hues & cries*,
It is Ordered, that what shall Arise by occasion of escape from the Countreys
Prison

Charge of Hues
and cries.

prison, or flight from Authority to avoyd the same, shall be paid by the *Treasurer of the Country*, and such as Arise by flying from any of our County prisons, or to escape any of them, shall be defrayed by the *Treasurer of that County* where the occasion did arise. And such persons as procure *Hues & cries* upon their own particular occasions, shall bear all the charge arising therefrom; provided due accompts be made by such as demand pay. [1660.]

Conveyances, Deeds and Writings.

A. 52. P. 15.

No sale of Land
vallid without
Deed &c.

FOR the prevention of *Clandestine and uncertaine Sales and Titles*; It is Ordered and Declared by this Court, That henceforth no Sale or Alienation of Houses and Lands, within this Jurisdiction, shall be holden good in Law, except the same be done by Deed in writing, under hand and Seal, and Delivered, and Possession given upon part in the name of the whole, by the Seller or his Attorney, so Authorized under hand and Seal; unless the said Deed be acknowledged and Recorded according to Law. [1652.]

A. 51. P. 2.

How Deeds and
Conveyances are
to be made.

2. Whereas the unskilfullnes of some, that make Deeds and Conveyances of Houses and Land, the word *Heire* is oftentimes Omitted, when as an Estate of Inheritance is intended to be passed by the Parties; whereupon Questions and Suites at Law are apt to arise: For the prevention whereof for time to come; This Court Ordereth;

That all Deeds and Conveyances of Houses and Lands in this Jurisdiction, wherein an Estate of Inheritance is to be Passed, it shall be expressed in these words, or to the like effect; viz. To Have and to Hold, the said House or Lands respectively, to the Partie or Grantee, his Heires and Assignes for ever; or if it be an Estate entayled, then to Have and to Hold &c. to the Partie or Grantee, and to the Heires of his body Lawfully begotten, or to the Heires Male of his body Lawfully begotten, between him and such an one his wife, or to Have and to Hold to the Grantee for terme of life, or for so many yeares; Provided this Law shall not include former Deeds and Conveyances, but leave them in the same condition, as they were or shall be in before this Law takes effect, which shall be at the last of *October* one thousand, six hundred, and fifty one, Provided also that this Law shall not extend to Houses or Lands given by Will or Testament, or to any Land granted, or to be granted by the Inhabitants of a Towne. [1651.]

L. 1. P. 16.

Debts obtained
by force invallid

Fraudulent
Deeds invallid.

3. It is Ordered, That no Conveyance, Deed or Promise whatsoever, shall be of Validity, if it be obtained by illegal Violence, Imprisonment, Threatning, or any kind of Forcible compulsion, called *Dures*. [1641.]

And all Covenous or Fraudulent Alienations or Conveyances of Lands, Tenements, or any Hereditaments, shall be of no force or validity, to Defeate any man from his due Debts or Legacies, or from any just Title, claime or possession, of that which is so Fraudulently conveyed.

4. And for the avoyding all Fraudulent Conveyances, and that every man

man may know what Estate or Interest, other men may have in any Houses, Lands or other Hereditaments, they are to deale in;

It is Ordered by the Authority of this Court; That after the end of October, one Thousand, six hundred and forty, no Mortgage, Bargain, Sale, or Grant made, of any Houses, Lands, Rents or other Hereditaments, where the Granter remains in Possession, shall be of any Force against other persons, except the Granter and his Heires, unless the same be acknowledged before some Magistrate, and Recorded, as is hereafter expressed: And that no such Bargain, Sale or Grant already made in way of Mortgage, where the Granter remains in possession, shall be of Force against other, but the Granter or his heires, except the same shall be entered as is hereafter expressed within one Month after the date before mentioned, if the party be within this Jurisdiction, or elsewhere, within three Months after he shall return; And if any such Granter being required by the Grantee his Heires or Assignes, to make an Acknowledgment of any Grants, Sale, Bargain or Mortgage by him made, shall refuse so to do, it shall be in the Power of any Magistrate to send for the partie so refusing, and commit him to prison without Baile or Mainprize, until he shall acknowledge the same, and the Grantee is to enter his Caution with the Recorder of the County Court, and this shall save his Interest in the mean time; And if it be Doubtfull whether it be the Deed and Grant of the party, he shall be bound with Sureties to the next Court of Assistants, and the Caution shall remaine good as aforesaid.

Sales to be acknowledged and Recorded

Party refusing to acknowledge his Deed to be imprisoned.

Grantee to enter his Caution.

And for the Recording of all such Grants, Sales, Mortgages;

It is Ordered, that the Clerke of every Shire Court shall Enter all such Grants, Sales, Bargains, Mortgages of Houses, Lands, Rents and Hereditaments as aforesaid, together with the names of the Granter and Grantee, Thing and Estate granted, together with the Date thereof. [1641, 42.]

Clerke of the Court to enter Deeds.

C O U N C I L.

THIS Court considering how the weighty Affaires of this Jurisdiction, whether they Concern this peculiarly, or have Reference to the rest of our Confederated Colonies, may be duly and speedily Transacted, in the Vacancy of the General Court, for the satisfaction of the Commissioners, in respect of the weighty and suddain occasions which may be then in hand;

Doth hereby Express and Declare, that the General Court ought to be called by the Governour, when the importancy of the business doth require it, and that time and opportunity will safely admit the same; and that all other necessary matters are to be Ordered and dispatched by the Major part of the Council of the Common-wealth: And therefore to that end, Letters signifying briefly the business, and the time and place of meeting for Consultation ought to be sent unto the Assistants.

Council how to be called together.

Also it is hereby Declared, that Seven of the said Assistants meeting, the Governour or Deputy Governour being one, is a sufficient Assembly to Act, by Impressing of Souldiers or otherwise as need shall be, and in case of extream and urgent necessity, when endeavours are reasonably used to call together the Assistants, and the business will not admit delay, then the

How many may Act.

the Acts of so many as do Assemble, are to be accounted and are accounted Vallid and sufficient: Also it is intended, that the General words afore mentioned, containe in them Power to Impress and send forth Souldiers, and all manner of Victuals, Vessels at Sea, Carriages and all other necessities, and to send Warrants to the Treasurer to pay for the same. [1645]

Their power.

COUNSEL. ADVICE.

L. 2. P. 4.

None to aske
Counsel of Ma-
gistrate or Com-
miss. in civil &c.

IT is Ordered by this Court: That it shall not be Lawfull for any person to aske Counsel or Advice of any Magistrate, or Commissioner in Townes, in any Case wherein afterwards he shall or may be Plaintiffe, before such Magistrate or Commissioner, under penalty of being disinabled to prosecute any such Action, (that he hath so propounded or taken advice as aforesaid,) at the next Court where the case shall come to Tryal, being pleaded by way of Barr, either by the Defendant or any on his behalfe; in which Case the Plaintiffe shall pay full Costs to the Defendant, and if the Defendant ask Coufel or Advice as aforesaid, he shall forfeit ten shillings for every such offence to the Plaintiffe.

COURTS.

L. 2. P. 10,

13.

General Court
the Chief power.

IT is hereby Declared, That the General Court consisting of Magistrates and Deputies, is the chief Civil Power of this Common-wealth; which onely hath Power to Raise Money and Taxes upon the whole Country, and dispose of Lands, viz. to Give and Confirme Proprieties, appertaining to and immediately derived from the Country; and may Act in all affaires of this Common-wealth according to such Power, both in matters of Counsel, making of Lawes, and matters of Judicature, by Impeaching and Sentencing any person or persons according to Law, and by receiving and hearing any Complaints orderly presented against any person or Court;

And it is Agreed, that this Court will not proceed to Judgement in any Cause, Civil or Criminal, before the Deputyes have taken this Oath following. [1634, 42, 44.]

L. 2. P. 24.

Deputy's Oath,

I Doe Swear by the most great and dreadfull Name of the Everliving God, that in all Cases wherein I am to deliver my Vote or Sentence, against any Criminal Offence, or between Parties in any Civil case; I will deale uprightly and justly, according to my judgement and conscience; And I will according to my skill and ability, Assist in all other Publick affaires of this Court, Faithfully and Truly, according to the Duty of my place, when I shall be present to attend the service.

L. 1. P. 16.

Magistrates and
Deputy's to sit
apart

2. Forasmuch as after long Experience, diverse inconveniences are found in the manner of proceeding in this Court, by Magistrates and Deputyes sitting together: It is therefore Ordered by this Court and Authority thereof; That henceforth the Magistrates sitt apart, and Act all business belonging to this Court, by themselves; by drawing up Bills and Orders,

as

as they shall see good in their wisdom, which having agreed upon, they may present to the Deputies to be considered, and accordingly to give their Consent or Dissent: The Deputies in like manner sitting by themselves, and consulting about such Orders and Laws, as they in their discretion and experience shall finde meet for the Common good; which agreed on by them, they may present to the Magistrates, who having considered thereof, may manifest their Consent or Dissent thereto;

And no Law, Order or Sentence shall pass, or be accounted an Act of this Court, without consent of the greater part of the Magistrates on the one party, and the greater number of Deputies on the other party; But all Orders and Conclusions that have passed by Approbation of Magistrates and Deputies as aforesaid, shall be accounted Acts of this Court, and accordingly be Ingrossed, which on the last of day every Session shall be deliberately Read over before the whole Court; Provided that if the Magistrates and Deputies shall happen to differ in any case of Judicature, either Civil or Criminal, such Case shall be determined by the Major Vote of the whole Court met together.

L. 1. P. 50.

No Act to pass
without consent
of the major
part of both.

A. 52. P. 11

3. FOR the Electing of the Governour, Deputy Governour, Assistants and General Officers, upon the day appointed by our Patent, to hold our yearly Election, being the last Wednesday of every Easter Term;

It is Solemnly and Unanimously Decreed and Established; That henceforth, the Freemen of this Jurisdiction, shall either in Person or by Proxy, without any Summons Attend and Consummate the Elections on the day aforesaid yearly; at which time also they shall send their Deputies with full Power to consult of and determine such matters, as concern the Welfare of this Common-wealth; From which General Court, no Magistrate or Deputy shall depart or be discharged, without the consent of the Major part both of Magistrates and Deputies, during the first four dayes of the first Session, under the penalty of one hundred pounds; nor afterwards under such penalty as the Court shall impose, Provided that the Deputies of Dover, and of such other Townes as are not by Law bound to send Deputies, are at liberty of attending any after Sessions. [1643, 53.]

Day of Election
to be attended
without Sum-
mons.

Deputies also to
be sent.

None to depart
without leave.

4. It is hereby Ordered and declared, that the Governour and Deputy Governour, joyntly agreeing, or any three Assistants consenting, have power out of Court to Reprieve a condemned Malefactor, till the next Court of Assistants, or General Court; and that the General Court onely hath Power to Pardon a condemned Malefactor.

L. 1. P. 24.

Governour and
Deputy Govern-
or three Assistant
power to reprieve
one condemned.

Also it is declared, that the General Court hath Authority to send forth into Forraigne parts, any member of this Common-wealth, of whatsoever quality, conditon, office or relation, about any publick Message or Negotiation, Provided the Party so sent be acquainted with the Affaires he goeth about, and be willing to undertake the Service. [1641]

General Court
may send forth
any person.

5. It is Ordered by this Court, that the Governour, Deputy Governour, or greater part of the Assistants, may upon urgent occasion call a General Court at any time; But no General Court shall be dissolved or adjourned, without the consent of the Major part thereof.

L. 1. P. 36,

24.

Power to call a
General Court
Not to be dis-
solved, but by
consent

6. It is Ordered and declared, that the Governour shall have a casting Vote, wheresoever there shall be an *equi-vote*, in the Courts of Assistants or General Court, & the President, or Moderator in all Courts of Civil Assemblies. [1641]

Governour and
President cast-
ing vote.

The Court being sensible of the great necessity of maintaining the Authority of Courts and Magistrates;

L. 1. P. 36.

Reproach Courts
or Magistrates
penalty

Doth Order, That whosoever shall openly or willingly defame any Court of Justice, or the Sentences and Proceedings of the same, or any of the Magistrates, or other Judges of any such Court, in respect of any act or sentence therein passed, and be convicted thereof; shall be punished for the same, by whipping, fine, imprisonment, dis-franchisement, or banishment, as the quality or measure of the offence shall deserve.

Offences of the
members of the
Court in Court
how censured.

And if any Magistrate or other member of any Court, shall use any reproachfull or unbecoming speeches or behaviour, towards any Magistrate, Judge, or member of that Court, in the face of the Court; he shall bee sharply reproved by the Governour or President of the said Court, and if the quality of the offence be such as shall deserve a further Censure, or if the person so reproved shall reply again without leave; the Court may proceed to punish any such offender, by fine or imprisonment, or may bind him over to the next superiour Court. And if in a General Court, any miscariage shall be amongst the Magistrates, when they are by themselves, it shall be examined and sentenced amongst themselves, if amongst the Deputyes when they are by themselves, it shall be examined and sentenced when they are by themselves, if it be when the whole Court is together, it shall be judged by the whole Court. [1637s 41.]

7. For the better Administration of Justice, and easing of the Country of unnecessary charges and travaile;

L. 1. P. 14.

Two Courts of
Assistants.

their power.

It is Ordered by this Court and the Authority thereof, That there bee two Courts of Assistants yearly kept at *Boston*, by the Governour, or Deputy Governour and the rest of the Magistrates, on the *first Tuesday* of the *first month*, and on the *first Tuesday* of the *seventh month*, to hear and determine all, and onely actions of Appeale from inferiour Courts, all Causes of divorce, all Capital and Criminal Causes, extending to Life, Member or Banishment. And that Justice be not deferred, nor the Country needlessly charged; It shall be Lawfull for the Governour, or in his absence the Deputy Governour (as they shall judge necessary) to call a Court of Assistants for the Tryall of any Malefactour in Capital Causes.

L. 3. P. 5.

Governour may
call a Court of
Assistants

Also there shall be County Courts held in the several Countyes, by the Magistrates living in the respective Counties, or any other Magistrates that can attend the same, or by such Magistrates as the General Court shall appoint from time to time; together with such persons of worth, where there shall be need, as shall from time to time be appointed by the General Court (at the nomination of the Freemen of the County) to be joyned in Commission with the Magistrates, so that they may be Five in all, Three whereof may keep a Court, provided there be one Magistrate; Every of which Courts shall have full power to hear and determine all Causes, Civil and Criminal, not extending to Life, Member or Banishment, (which with Causes of divorce, are reserved to the Court of Assistants) and to make and constitute Clerks and other needfull Officers, and to Summon Juryes of Inquest, and Tryals out of the Towns of the County; Provided no Jurors shall be warned from *Salem* to *Ipswich*, nor from *Ipswich* to *Salem*, and the times and places for holding the County Courts shall be as followeth.

L. 1. P. 14,

15.

County Courts

who keep them

How many
judges

their Power.

SUFFOLK.

Boston the last tuesday of the second Month.
The last tuesday of the fifth Month.
The last tuesday of the eighth Month.
And the last tuesday of the eleventh Month.

Time and pl^e
of the County
Courts.

NORFOLK.

Salisbury the second tuesday of the second Month.
Hampton the second tuesday of the eighth Month.

ESSEX.

Salem the last tuesday of the fourth Month.
And the last tuesday of the ninth Month.
Ipswich the last tuesday of the first Month.
And the last tuesday of the seventh Month.

PASCATAQUA.

Dover }
Portsmouth } the last tuesday of the fourth Month.

MIDDLESEX.

Charlstown the third tuesday of the fourth Month.
And the third tuesday of the tenth Month.
Cambridge the first tuesday of the second Month.
And the first tuesday of the eighth Month.

TORKSHIRE.

York the first tuesday of the fifth Month.

HAMPSHIRE.

North-Hampton the last tuesday of the first Month.
Springfield the last tuesday of the seventh Month.

A Judgement acknowledged before any two Magistrates and the Secretary or Clerk of any Court, shall be good in Law, and the Clerks Fee for Recording the same shall be *twelve pence*, and if the Secretary or Clerk be a Magistrate, he with one Magistrate may do it.

L.2.p.7.
Judgement ac-
knowledge before
two Magi-
strates.

8. For the more speedy dispatch of all Causes which shall concern Strangers, who cannot without prejudice stay to attend the ordinary Courts of Justice;

L.I.p.15.

It is Ordered, that the Governour or Deputy Governour, with any two Magistrates, or when the Governour, Deputy Governour cannot attend it, that any three Magistrates shall have power upon the request of

Special Courts
for Strangers

such

Records of Special Courts to be transmitted to the Court of Assistants.

such Stranger, to call a special Court to hear and determine all Causes civil and criminal (triable in any County Court according to the manner of proceeding in County Courts) which shall arise between such Strangers, or wherein any such Stranger shall be party. And all Records of such proceedings, shall be transmitted to the Records of the Court of Assistants, to be entered as trials in other Courts (which shall be at the charge of the party cast or condemned in the case. [1639.]

L.2.P.15.
Strangers liberty to sue at any Court.

It is further Ordered that it shall be lawful for any Stranger, upon legal Summons, to enter any Action in any Court of this Jurisdiction, against any person not residing or Inhabitant amongst us.

L.1.P.36.

9. For preventing all occasions of partial or undue proceedings, in Courts of Justice and avoiding of jealousies;

Judges related to parties not to give Sentence.

It is Ordered, that in every civil Cause, between Party and Party, where there is between any Judge of the Court, and any of the parties, the Relation of Father and Son, either by Nature or Marriage, Brother and Brother, Uncle and Nephew, Landlord and Tenant in matters of considerable value: Such Judge, though he may have liberty to give reasonable Advice in the case, yet shall have no power to Vote or give Sentence therein; neither shall sit as a Judge, when he shall so plead or give Advice therein. [1635.]

L.1.P.16.
Offender to be Judged the next Court.

10. It is Ordered by this Court; that every person, that is to Answer for any criminal Cause, whether in Prison or under Bayle; his Cause shall be heard and determined at the next Court that hath proper cognizance thereof, if it may be done without prejudice of Justice. [1641.]

A.54.P.2.

In difficult cases Courts may consult with the General Court

11. Forasmuch as the proceedings of this Court are often hindered by introducing particular cases of a private nature;

It is therefore Ordered, that no Court shall transfer the Cases coming before them, and proper to their cognizance, whether civil or criminal, but if there be difficulty in any case the Court shall state the Question, leaving out the parties Names, and may present the same to the General Court, where it may be resolved; and according to the said resolution of the General Court, the Inferiour Court that presented the Question, shall at their next meeting proceed to Judgement or Sentence. [1654.]

L.2.P.4.
County Courts may admit Freeman

12. Every Court within this Jurisdiction where two Magistrates are present, may admit any Church Members, that are fit to be Freeman, giving them the Oath, and the Clerk of each Court shall certify their Names to the Secretary at the next General Court. [1641.]

Freemens names to be Recorded

It is Ordered that the Secretary at the request of all such as are admitted to the freedom of this Colony or any in their behalf, give a true copy out of this Courts Records of their Names by them to be delivered to the Clerks or Recorders of those Courts in the several Counties to which they do belong, with a copy of the Oath of Freeman as it is now stated, that they may there take their Oathes, &c. [1666.]

Courts Adjournments.

VV Hereas through the extremity of the seasons in this Country, or other accidents that often happen, that Courts of Justice are sometimes put by to the great prejudice of Justice;

This

This Court doth therefore Order, that henceforth it shall be in the power of any one or more of the Magistrates, being present at the time and place where the Court is to be kept, to Adjourn the said Court to some more convenient time, as though the whole Court had been met; and all Jury-men, Witnesses and Parties summoned to attend the Court, either in Civil or Criminal Cases, according to their respective Summons, Obligations, Attachments or other Process are hereby bound to such Adjournments, and all proceedings to remain in force as though the ordinary course of time had been attended. [1661.]

Courts Adjournments.

C R U E L T Y.

It is Ordered by this Court, That no man shall exercise any Tyranny or Cruelty towards any Brute Creatures, which are usually kept for the use of Man. [1641.]

Death Untimely.

It is Ordered by this Court and the Authority thereof, that whensoever any Person shall come to any suddain, untimely or unnatural death; some Assistant or the Constable of the Town, shall forthwith Summon a Jury of twelve discreet Men to inquire of the cause and manner of their Death, who shall present a true verdict thereof to some near Assistant, or the next County Court upon their Oath. [1641.]

Untimely death to be inquired by a Jury.

D E B T S by B O O K.

ON complaint, and consideration of sundry Inconveniences both to Creditors and Debtors, through want of seasonable examination and balancing of Book-accounts;

It is Ordered, and by this Court Enacted, that all such Book-debts as are now standing out, or that hereafter shall be made, and that shall not within three years after publication hereof, or within three years after such debt as hereafter shall be made, be accounted for or ballanced with the

Book debts to be Ballance within 3 years.

the Original Debtor or his Attorney, Agent, Assigne, or other lawful Successor or Substitute, and on Accompt or Ballance thereof, assured by Specialty given for it, or witnessed by subscribing the Debtor or other Accomptants Name to the Creditors Book, or Subscription of the Witnesses to such Accompt, shall not be pleadable in any Court; unless such Book-debt shall within the time before limited, be prosecuted or proved in such Court as hath proper cognizance thereof, by Evidence competent and approved by the said Court: And the Evidence there Recorded, and the Record thereof, shall secure the Creditor, his Executors and Assignes, unless the Debtor or his Assignes shall disprove the same, within one year after such proof made, or recovery of the said Debt, if such Debtor, his or her Agent, Attorney, Assigne, Substitute, Executor, Administrator or other lawful successor, be or shall be within this Jurisdiction, or elsewhere, and have due notice from the Creditor thereof.

Deputies for the General Court:

Deputies chosen
by paper.

Their power

Number of De-
puties to be sent
from particular
Towns.

A. 53.

Liberty to chuse
Deputies dwell-
ling any where
in this Jurisdic-
tion

Deputies may
order their own
house

IT is Ordered by this Court and the Authority hereof, that henceforth it shall be lawful for the Freemen of every Town, to chuse (by Papers) Deputies for the General Court; who have liberty to meet together, to confer and prepare such publick business, as by them shall be thought fit to be considered of at the next General Court, who also shall have the full power of all the Freemen deputed to them, for the making and establishing of Laws, granting Lands, and to deal in all other affaires of the Common-wealth, wherein the Freemen have to do, the matter of Election of Magistrates and other Officers onely excepted: wherein every Freeman is to give in his Vote; Provided that no Town shall send more then two Deputies, and no Town that hath not to the number of twenty Freemen shall send more then one Deputy; and such Plantations as have not ten Freemen shall send none, but such Freemen may Vote with the next Town, in the choice of their Deputies, till this Court take further Order. And all Towns that have not more then thirty Freemen, shall be at liberty of sending, or not sending Deputies to the General Court. [1636. 38. 53.]

2. And the Free men of any shire or town, have liberty to choose such Deputies for the Generall Court, either in their own shire Town, or else where as they judge fittest, so be it they be Freemen, and Inhabiting this Jurisdiction.

And when the Deputies for the several Towns are met together at any General Court, it shall be lawful for them or the major part of them, to hear and determine any difference that may arise about the Election of any of their Members, and to order what may concern the well ordering of their body.

And because we cannot foresee what variety and weight of occasions may fall into future consideration; and what Counsels we may stand in need of;

It is Ordered that the Deputies of the General Court, shall not at any time be stated and continued but from Court to Court, or at most but for a year, that the Country may have an annual liberty, to do in that case what is most behoofful for the welfare thereof. [1641. 34. 35.]

No Deputies to hold longer than one year.

And it is further Ordered, that no man although a Freeman shall be accepted as a Deputy in the General Court, that is unsound in Judgment, concerning the main points of Christian Religion, as they have been held forth and acknowledged by the generality of the Protestant Orthodox Writers; or that is scandalous in his conversation, or that is unfaithful to this Government.

A. 54. p. 3. Deputies to be Orthodox

And it is further Ordered, that it shall not be lawful for any Freeman to make choice of any such person as aforesaid, that is known to himself to be under such offence or offences specified, upon pain or penalty of five pounds, and the Cases of such persons to be tried by the whole General Court. [1654.]

And henceforth the Constables of each Town, shall return the name of the person or persons chosen by the Freemen to be Deputies for the General Court, and the time for which they are chosen, whether for the first Session or for the whole year. And every Constable that shall faile in his duty herein shall forfeit the sum of twenty shillings, to be paid to the common Treasury; and all persons so chosen as aforesaid, accepting thereof, which shall be absent from the house, during the time of their sitting, without just grounds so judged by the house, shall pay twenty shillings a day for every such defect, and the several returns of each Constable, shall be kept on file by the Clerk of the Deputies untill the Court be ended. [1654.]

Constable to return who are chosen Deputies and for what time.

It is Ordered by this Court and the Authority thereof, that no person who is an usual and common Attorney in any Inferiour Court, shall be admitted to sit as a Deputy in this Court.

Common Attorneys by no Deputy

DISTRESSE.

It is Ordered by this Court and the Authority thereof, that no man's Corn or Hay that is in the field, or upon the Cart, nor his Garden stuffe, nor any thing subject to present decay, shall be taken in Distress, unless he that takes it doth presently bestow it where it may not be imbezled, nor suffer spoile or decay, or give security to satisfie the worth thereof, if it comes to any harm. [1641.]

Distress upon Corn or Hay &c

DOWRIES.

FOrasmuch as no provision hath been made for any certain maintenance of Wives after the decease of their Husbands;

Wives to enjoy
the third of
their Husbands
Lands, &c.

It is Ordered by this Court and the Authority thereof, that every Married Woman, (living with her Husband in this Juri diction, or other where absent from him with his consent, or through his meer default, or inevitable providence, or in case of Divorce, where she is the innocent party) that shall not before Marriage be estated by way of joynture, in some Houses, Lands, Tenements or other Hereditaments for term of life, shall immediately after the death of her Husband, have Right and Interest by way of Dowry, in and to one third part of all such Houses, Lands, Tenements and Hereditaments, as her Husband was seized of to his own use, either in possession, Reversion or Remainder, in any Estate of Inheritance, (or Frank-tenement not then determined) at any time during the Marriage, to have and enjoy for the term of her natural life, according to the Estate of such Husband, free and freely discharged of, and from all Titles, Debts, Rents, Charges, Judgements, Executions and other Incumbrances whatsoever, had, made or suffered by her Husband, during the said Marriage between them, or by any other person claiming by, from or under him, or otherwise, then by some Act or Consent of such Wife signified by writing under her hand, and acknowledged before some Magistrate or others, Authorized thereunto, which shall bar her from any Right or Interest in such Estate. And if the Heir of the Husband or other person Interested, shall not within one Month after lawful demand made, assigne and set out to such Widdow her just third part with conveniency, or to her satisfaction, according to the intent of this Law, then upon a Writ of Dowry, in the Court of that Shire where the said Houses, Lands, Tenements or other Hereditaments shall lye, or in the Court of Assistants, if the same lye in several Shires; her third part or Dowry shall be assigned her, to be set out in several, by Mets and Pounds, by such persons as the same Court shall appoint for that purpose, with all costs and damages sustained; Provided alwayes this Law shall not extend to any Houses, Lands, Tenements or other Hereditaments sold or conveyed away by any Husband *Bona fide*, for valuable consideration before the last of November one thousand six hundred and forty seven. Provided also that every such widdow so endowed as aforesaid, shall not commit or suffer any strip or waste, but shall maintain all such Houses, Fences and Inclosures as shall be assigned to her for her Dowry, and shall leave the same in good and sufficient reparation in all respects. [1641.]

L.2. p. 5.

Widdows third
part to be set
out.

Not to suffer
strip or waste.

DROVERS.

IT is Ordered by this Court and the Authority thereof, That if any man shall have occasion to lead, or drive Cattle from place to place that is far

far off, so that they be weary, or hungry, or fall sick or lame, it shall be lawfull to rest and refresh them for a competent time in any open place that is not Corn, Meadow or inclosed for some particular use. [1641.]

ECCESTASTICAL.

ALL the Peepie of God within this Jurisdiction, who are not in a Church-way, and be Orthodox in Judgement, and not Scandalous in life, Shall have full liberty to gather themselves into a Church Estate, provided they do it in a Christian way, with the observation of the Rules of Christ revealed in his Word.

Liberty to gather Churches

Provided also, that the General Court doth not, nor will hereafter approve of any such companies of men, as shall joyn in any pretended way of Church-fellowship, unless they shall acquaint three or more Magistrates dwelling next, and the Elders of the Neighbour Churches where they intend to joyn and have their approbation therein.

with approbation of Magistrate, & Elders

2. It is further Ordered, that no person being a Member of any Church which shall be gathered without the approbation of the Magistrates and the said Churches, shall be admitted to the freedome of this Common-wealth.

3. Every Church hath free liberty to exercise all the Ordinances of God, according to the Rule of the Scripture.

4. Every Church hath free liberty of Election and Ordination of all her Officers from time to time, provided they be able, pious and Orthodox.

To chuse Church Officers.

5. Every Church hath also free liberty of Admission, Recommendation, Dismission and expulsion, or Disposall of their Officers and Members upon due Cause, with free Exercise of the Discipline and Censures of Christ, according to the Rules of the Word.

Members

6. No Injunction shall be put upon any Church, Church officer or Member in point of Doctrine, Worship or Discipline, whether for Substance or Circumstance besides the Institution of the Lord.

No humane Institutions

7. Every Church of Christ, hath freedome to Celebrate dayes of Fasting and Prayer and of Thanksgiving, according to the Word of God.

8. The Elders of Churches and other Brethren and Messengers, have liberty to meet Monthly, Quarterly or otherwise, in convenient Numbers and Places for Conference and Consultation, about Christian and Church Questions and Occasions, provided that nothing be concluded and imposed by way of Authority from one or more Churches upon another, but onely by way of Brotherly Conference and Consultation.

Elders meeting

9. All Churches also have liberty to deal with any of their Members in a Church way, that are in the hands of Justice, so it be not to retard and hinder the course thereof.

Churches liberty
to deal with
their members.

10. Every Church hath liberty to deal with any Magistrate, Deputy of Court or other Officer whatsoever, that is a Member of theirs, in a Church way, in case of apparent and just offence given in their places, so it be done with due observance and respect. But no Church Censure shall degrade or depose any man from any Civil Dignity, Office or Authority he shall have in the Common-wealth.

Private meetings

11. The Civil Authority here established, hath power and liberty to see the Peace, Ordinances and Rules of Christ be observed in every Church, according to his Word as also to deal with any Church-member in a way of Civil Justice, notwithstanding any Church Relation, Office or Interest.

L. 2. p. 7.

12. Private meetings for Edification in Religion, amongst Christians of all sorts, shall be allowed, so it be done without just offence, for number, time, place and other circumstances. [1641.]

13. The Treasurer of the Country, shall defray the charges of the Elders of our Churches when they are employed by special Order of the General Court. [1642.]

A. 38.

Constant preach-
ers to be with-
out offence.

Whereas it is the duty of the Christian Magistrate to take care the People be fed with wholesome and sound Doctrine, and in this hour of temptation wherein the Enemy designeth to sow corrupt seed. Every company cannot be thought able or fit, to judge of the Gospel qualifications required in the publick dispensers of the Word, and all Societies of Christians are bound to attend Order and Communion of Churches, considering also the rich blessing of God, flowing from the good agreement of the Civil and Church-estate, and the horrible mischiefs and confusions that follow on the contrary;

It is therefore Ordered, that henceforth no person shall publicly and constantly Preach to any company of People, whether in Church Society or not, or be Ordained to the Office of a Teaching Elder, where any two Organick Churches, Council of State, or General Court shall declare their dissatisfaction thereat, either in reference to Doctrine or Practise, the said Offence being declared to the said company of People, Church or Person, untill the Offence be orderly removed; and in case of Ordination of any Teaching Elder, timely notice thereof shall be given unto three or four of the neighbouring Organick Churches, for their approbation. [1658]

Open opposers
of the word.

14. Forasmuch as the open contempt of Gods Word, and Messengers thereof, is the desolating sin of Civil State and Churches;

It is Ordered, that if any Christian (so called) within this Jurisdiction, shall contemptuously behave himself, towards the Word Preached, or the Messengers thereof, called to dispense the same in any Congregation, when he doth faithfully execute his service and Office therein, according to the Will and Word of God; either by interrupting him in his Preaching, or by charging him falsely with any Error, which he hath not taught in the open face of the Church, or like a son of Korah, cast upon his true Doctrine, or himself any Reproach to the dishonour of the Lord Jesus who hath sent him, and to the disparagement of his holy Ordinance, and making Gods wayes contemptible and ridiculous: that every such person or persons (whatsoever censure the Church may pass) shall for the first

first Scandal be convicted and reprov'd openly by the Magistrate at some Lecture, and bound to their good behaviour.

And if a second time they break forth into the like contemptuous carriages, they shall either pay five pounds to the publick Treasury, or stand two hours openly upon a Block or Stool, four foot high, on a Lecture day, with a paper fixed on his breast, written in Capital Letters,

AN OPEN AND OBSTINATE CONTEMNER OF GODS HOLY ORDINANCES,

that others may hear and be ashamed of breaking out into the like wickedness. [1646.]

And every Christian as aforesaid, that shall go about to destroy or disturb the Order and Peace of the Churches established in this Jurisdiction, by open renouncing their Church estate, or their Ministry, or other Ordinances dispensed in them, either upon pretence that the Churches were not planted by any new Apostle, or that Ordinances are for carnal Christians, or for Babes in Christ, and not for spiritual or illuminated persons, or upon any other such like groundless conceit; every such person who shall be found culpable herein, after due means of conviction, shall forfeit to the publick Treasury, forty shillings for every month, so long as he shall continue in that his obstinacy. [1646.]

L. 2. p. 5.

Disturbers of
order and peace
of Churches pe-
nalty.

15. Wherever the Ministry of the Word is Established, according to the Order of the Gospel throughout this Jurisdiction;

Every person shall duly resort and attend thereunto respectively on the Lords dayes, and upon such publick Fast dayes, and dayes of Thanksgiving, as are to be generally observed by appointment of Authority. And if any person within this Jurisdiction shall without just and necessary cause, withdraw himself from the publick Ministry of the Word, after due means of conviction used, he shall forfeit for his absence from every such publick meeting five shillings. And all such offences may be heard and determined from time to time, by any one or more Magistrates. [1646.]

Absence from
Meeting

16. To the end there may be convenient Habitations for the Ministers of the Word;

It is Ordered, that the Inhabitants of every Town, shall take care to provide the same, either by hiring some convenient House, for the use of the present Minister, or by compounding with him, allowing him a competent and reasonable sum to provide for himself, so long as he shall continue with them, or by building or purchasing an house for the Minister and his successors in the Ministry, as the major part of the said Inhabitants shall agree. And the particular sums assessed upon each person by a just Rate, shall be collected and levied as other Town Rates.

Ministers houses
how to be pro-
vided for

17. That there may be a settled and encouraging maintenance of Ministers in all towns and Congregations within this Jurisdiction.

A. 54. p. 6.

It is Ordered, that the County Court in every Shire, shall upon information given them of any defect, of any Congregation or Town within the Shire, order and appoint what maintenance shall be allowed to the Minister of the place, and shall issue out warrants to the Select men to assess the Inhabitants, which the Constable of the said Town shall collect and levy as other Town Rates. And it is hereby Declared to be our intention that an honourable allowance be made to the Minister, respecting the ability of the place, and

Provision for
Ministers main-
tenance

if any Town shall finde themselves burdened by the Assessments of the County Court, they may complain to the Court, which will at all times be ready to give just release to all men. [1654.]

I*T being the great duty of this Court, to provide that all Places and People within our Gates be supplied of an able and faithful Minister of Gods Holy Word;*

Provision for an
able Ministry.

Be it therefore Ordered and Enacted by this Court and the Authority thereof, That the County Courts in their respective precincts, do diligently and carefully attend the execution of such Orders of this Court, as concerns the maintenance of the Ministry, and the purging of their Towns and Peculiars from such Ministry and publick preachers as shall be found vicious in their lives, or perniciously Hetrodox in their Doctrine; and for all places destitute of an able and faithful Ministry, that they use their best endeavour for the procuring and setting of such faithfull Laborers in Gods Vineyard, and that the charges of their procuring, and setting, be levied on the Inhabitants, as the Law for maintenance of Ministers directs; and that for the future there may be no neglect hereof: the Presidents of each County Court, shall duely from time to time give it in charge to the Grand-juries of their respective Courts, to present all abuses and neglects of this kinde, and that with all care and diligence the same be redressed, that so the Name of the Lord our God being known in our dwellings, and exalted in our gates, he may still delight in us, to continue his favourable presence with us, and our unpareld enjoyments both temporal and spiritual, which through the rich mercy of God in Christ hitherto we have enjoyed, and not be provoked through our prophane slighings and despising thereof, to bereave us and our posterities of such choice Mercies. [1660.]

VV*Hereas the Christian Magistrate is bound by the Word of God to preserve the Peace, Order or Liberty of the Churches of Christ, and by all due means to promote Religion in Doctrine and Discipline, according to the Word of God; and whereas by our Law, tit. Ecclesiastical, Sect. 4.*

Choice of Church
Officers.

It is Ordered and Declared, that every Church hath free liberty of Calling, Election and Ordination of all her Officers, from time to time, provided they be able, pious, and Orthodox: For the better explanation of the said Law, and as an addition thereunto, this Court doth Order and Declare, and be it hereby Ordered and Enacted, that by the Church, is to be meant, such as are in full Communion only; and that the teaching Officer or Officers of such Church or Churches, we do intend shall be the Minister or Ministers to all the People in that Town where such Church or Churches are planted; and that no Inhabitant in any Town shall challenge a right unto, or act in the Calling or Election of such Officer or Minister, until he be in full communion, upon the penalty of being accounted a disturber of peace and order, and to be punished by the Court of that Shire, either by Admonition, Security for the good Behaviour, Fine, or Imprisonment, according to the quality and degre of the offence.

Elections.

ELECTIONS.

IT is Ordered by this Court and the Authority thereof, that for the yearly chusing of Assistants, the Freemen shall use Indian Corn and Beans, the Indian Corn to manifest Election, the Beans contrary; and if any Freeman shall put in more then one Indian Corn or Bean, for the choice or refusal of any publick Officer, he shall forfeit for every such offence, *ten pounds*, and that any man that is not free, or hath not liberty of voting, putting in any vote, shall forfeit the like sum of *ten pounds*. [1643.]

Election by Indian Corn and Beans.

None but Freemen to put in votes.

2. For the preventing many inconveniences, that otherwise may arise upon the yearly day of Election, and that the work of that day may be the more orderly, easily and speedily issued;

It is Ordered by this Court and the Authority thereof; that the Freemen of this Jurisdiction, which shall not personally appear at *Boston*, to give in their votes on the day of Election, shall and may in their several Towns, from time to time give in their votes for Elections, before their Deputy and the Constable, who shall take them and Seal them up in distinct papers, and send them to the Court of Elections, all the Assistants to be chosen by Indian Corn and Beans, as above said.

Election by proxy sent, sealed up.

The Governour, Deputy Governour, Major General, Treasurer, Secretary, and Commissioners of the United Colonies, by wrighting the names of the persons Elected, in papers open, or once folded, not ruffled nor rowled up, that they may be the sooner perused. And such small villages as send no Deputies, the Constable thereof, with two or three of the chief Freemen shall receive the votes of the rest of the Freemen, and deliver them together with their own sealed up, to the Deputy of the next Town, who shall carefully convey the same unto the said Court of Election. [1647.]

Election of Spectators by papers.

3. Forasmuch as the choice of Assistants or Magistrates yearly, is of great concernment, and with all care and circumspection to be attended;

L. 2. p. 10.

It is Ordered by this Court and the Authority thereof, that the Constables of every Town within this Jurisdiction, shall call together all their Freemen some day in the second week of the first Month yearly to give in their votes in distinct papers for such persons (being Freemen and resident within this Jurisdiction, as well the Magistrates in present being as others) whom they desire to have chosen for Magistrates or Assistants at the next Court of Election, not exceeding the number of eighteen, and no Freeman shall put in above one vote for one person, under the penalty of *ten pounds* for every offence.

A. 52. p. 15.

And the said Freemen (so met together) or the major part of them, shall then and there appoint one to carry their votes sealed up unto their Shire Towns, upon the last fourth day of the week in the first Month following, at twelve of the clock from time to time, which persons for each Town so assembled, shall appoint one of themselves as a Commissioner of each Shire, to carry them to *Boston* the second third day of the second Month, there to be opened and perused in the presence of one or two Magistrates (if they be in Town) if otherwise, by those persons that

Nomination of Magistrates in Towns.

A. 53.

Votes to be sent to the Shire Town.

Commissioner of
the Shire to re-
turn the names
of the persons
nominated to
the Constables

Old Magistrates
to be first put to
Election.

brought them at the Court House in *Boston*, or such other place as the Commissioner of *Suffolk* shall appoint; and those eighteen that have most Votes, shall be the men (and they only) which shall be nominated at the Court of Election for Magistrates or Assistants as aforesaid, and the said Commissioner of each Shire, shall forthwith signify to the Constable of the several Towns within their County, in writing under their hands, the names of those eighteen persons aforesaid, all which the Constable in each Town shall timely signify to their Freemen. And as any have more Votes then other, so shall they be nominated for Election, except such of the eighteen who were Magistrates the year before, who shall have precedence of all others in nomination on the day of Election. And if any person be trusted in this Order, shall fail in the discharge of their trust, shall forfeit ten pounds. [1649.]

Freemen to
choose all gen-
eral Officers

4. It is Declared by this Court, to be the constant liberty of the Freemen of this Jurisdiction, to chuse yearly at the Court of Election out of the Freemen, all the General Officers of this Jurisdiction, and if they please to discharge them at the Court of Election, by way of Vote, they may do it without shewing cause; but if at any other General Court, we hold it due Justice that the reason thereof be alledged and proved. By General Officers we mean our Governor, Deputy Governor, Assistants, Treasurer, Major General, Admiral at Sea, Commissioners for the United Colonies, Secretary of the General Court, and such others as are, or hereafter may be of like General nature. [1641.]

V Hereas it is found by experience, that there are many who are Inhabitants of this Jurisdiction, who are Enemies to all Government, Civil and Ecclesiastical, who will not yield Obedience to Authority, but make it much of their Religion to be in opposition thereto, and refuse to bear Arms under others, who notwithstanding combine together in some Towns, and make Parties suitable to their designs, in Election of such persons according to their ends;

Persons exempt
from voting in
Elections

It is therefore Ordered by this Court and the Authority thereof, that all persons, Quakers or others, which refuse to attend upon the publick Worship of God here Established; that all such persons whether Freemen or others, acting as aforesaid, shall, and hereby are made incapable of Voting in all civil Assemblies during their obstinate persisting in such wicked wayes and courses, and until certificate be given of their Reformation.

And it is further Ordered, that all those Fines and Mulcts of any such Delinquents as aforesaid, which are not gathered nor paid to the several Treasurers of the Counties, as also what Fines shall be laid on them for the future, shall be delivered by the Order of the County-Treasurers respectively to the Select men of the several Towns whereunto they belong, to be by them improved for the poor of the Town.

ESCHEATS

It is Ordered by this Court and the Authority thereof, that where so Heir or owner of Houses, Lands, Tenements, Goods or Chattels can be found, they shall be seized to the publick Treasury, till such Heirs or Owners shall make due claim thereto, unto whom they shall be restored upon just and reasonable terms. [1646.]

FARMS.

It is Ordered by this Court and the Authority thereof, that all farms which are wit'in the bounds of any Town, shall henceforth be of the same Town, in which they lye, except *Meadford*. [1641.]

Faires and Markets.

It is Ordered by the Authority of this Court, that there shall henceforth be a Market kept at *Boston* in the County of *Suffolk*, upon the fifth day of the week from time to time. *Boston.*

And at *Salem* in the County of *Essex*, upon the fourth day of the week from time to time. *Salem.*

And at *Lyn* on the third day of the week from time to time. *Lyn.*

And at *Charlstown* in the County of *Middlesex* upon the sixth day of the week from time to time. *Charlstown.*

It is also Ordered and hereby Graunted to *Boston* aforesaid, to have two *Fairs* in a year; on the first third day of the third Month, and on the first third day of the eighth Month, from year to year to continue for two or three dayes together.

Also to *Salem* aforesaid, to have two *Fairs* in a year, on the last fourth day of the third Month, and the last fourth day of the seaventh Month from year to year. *L. 2. p. 7.*

Also to *Watertown*, in the County of *Middlesex*, two *Fairs* in a year, on the first sixth day of the fourth Month, and the first sixth day of the seaventh Month. *Watertown.*

Also to *Dorchester*, in the County of *Suffolk*, two *Fairs* in a year, on the fourth third day of the first Month, and the last fourth day of the eighth Month, from year to year. [1633, 34, 36, 38, 48.]

FERRIES.

FOR settling all common Ferries in a right course, both for the Passengers and Owners;

Men may pass
Ferries in their
own Boats

L. 2. p. 7.

Ferry men not
to carry in can-
noos.

It is Ordered by this Court and the Authority thereof, That whosoever hath a Ferry granted upon any passage, shall have the sole liberty for transporting Passengers, from the place where such Ferry is granted, to any other Ferry place, where Ferry Boats use to land; and any Ferry Boat that shall land Passengers at any other Ferry, may not take Passengers from thence, if the Ferry Boat of that place be ready; Provided this Order shall not prejudice the liberty of any that do use to pass in their own or neighbours Cannoos or Boats to their ordinary labour or business. But no Ferry man shall carry over the water any Passengers in a Cannoo, but in case of necessity, and upon his own desire, under the pain of forfeiture of the Cannoo or the value thereof to the Treasury.

And at Weymouth Ferry, every single person shall pay for his Passage two pence.

And all Ferry men are allowed to take double pay at all common Ferries after day light is done, and those that make not present pay, being required, shall give their names in wrighting, or a pawn to the Ferry men, or else he may complain of any such to a Magistrate for satisfaction.

Magistrates and
Deputies so pass
free

And it is Ordered, that all Magistrates, and such as are, or from time to time shall be chosen Deputies of the General Court, with their necessary attendance, viz. a Man and a Horse at all times, during the time of their being Magistrates or Deputies (but not their Families) shall be Passage-free over all Ferries, that pay no Rent to the Country.

2. And for the preventing of danger in the Passing at Common Ferries;

None to enter
the Ferry boat
without leave of
the Ferry men
Magistrates, De-
puties or Elders

It is Ordered, That no person shall press or enter into a Ferry Boat contrary to the Will of the Ferry man, or of the most of the Passengers first entred upon pain of ten shillings for every such attempt.

And that every Ferry man that shall permit or allow any person to come into his Boat, against the will of any of the Magistrates or Deputies, or any of the Elders shipped in such Boat, or the greater part of the Passengers in the said Boat, shall forfeit for every person so admitted or received, against such their will so declared, the sum of twenty shillings.

And it shall be in the power of any of the Ferry men, to keep out, or put out of his Boat, any person that shall press, enter into, or stay in any such Ferry Boat, contrary to this Order.

Men pass as they
come except
publick persons.

And it is further Ordered, that all persons shall be received into such Ferry Boats according to their coming first or last, only all publick persons, or such as go upon publick or urgent occasions, as Physicians, Chyrurgcons and Midwives, and such other as are called to Womens Labours, such shall be transported with the first. [1643, 44, 46, 47.]

FINES.

IT is Ordered by this Court and Authority thereof, that every Offender fined for the breach of any Penal Law, shall forthwith pay his or their Fine or Penalty, or give security speedily to do it, or be imprisoned, or kept to work till it be paid, unless the Court or Judge that imposed the Fine, see cause to respite the same; And in all Courts, where any Fine or Fines or other Sums of Money shall be assessed or received; And also when any Magistrate or Commissioner, shall assess any Fines, or receive any Sum, for the use of the Country, by virtue of any special Order, the *Secretary* or *Clerk* of each Court, and every such Magistrate and Commissioner, shall within fourteen dayes, send a Transcript or Note of the said Fines and other dues to the Treasurer of the Country or County to whom it doth belong, who shall forthwith give warrant to the Marshall to collect and levy the same: And if no goods can be found to satisfy such Fine or other dues, the Marshall shall Attach the Body of such persons, and imprison them till satisfaction be made; Provided that any Court of Assistants or County Court, may discharge any such person from imprisonment, if they be unable to make satisfaction. [1638, 46.]

L. 1. p. 38.

Fines to be paid presently

L. 2. p. 7.

Clerk to return all Fines to the Treasurer in fourteen dayes

L. 1. p. 22.

Marshall to Attach the body when Goods are not, &c.

Firing and Burning.

IT is Ordered by this Court and Authority thereof, that whosoever shall kindle any Fires in the Woods, or Grounds lying in Common, or inclosed, so as the same shall run into Corn grounds or Inclosures before the tenth day of the first Month, or after the last of the second Month, or on the last day of the Week, or on the Lords day, shall pay all damages, and half so much for a Fine, or if not able to pay, then to be Corporally punished, by warrant from one Magistrate, or the next County Court, as the offence shall deserve, not exceeding twenty stripes for one offence. Provided that any man may kindle fire in his own ground so as no danger come thereby, either to the Country or to any particular person; and whosoever shall wittingly and willingly burn or destroy any Frame, Timber, Hewed, Sawen or Riven Heaps of Wood, Charcoal, Corn, Hay, Straw, Hemp or Flax, he shall pay double damages.

Firing of ground when lawful, when forbidden

2. Whereas some dwelling Houses, and other Houses within this Jurisdiction, have been set on Fire, and the means or occasion thereof not discovered, though some persons have been vehemently suspected to have been Instrumental therein: The Court taking into consideration the danger of such a wicked practise, especially in Towns where the Houses are near adjoining, and there being no Law yet provided for the punishment of so heinous a crime;

A. 5. p. 11.

Doth therefore hereby Order, and be it Enacted by the Authority of

this Court, that any person or persons whatsoever, of the age of sixteen years and upward, that shall after the publication hereof, wittingly and willingly set on fire any *Barn, Stable, Mill, out House, Stack of Wood, Corn or Hay*, or any other thing of like nature, shall upon due conviction by testimony or confession, pay double damages to the party damnified, and be severely whipt.

Burning Houses.

And if any person of the age aforesaid, shall after the publication hereof, wittingly, and willingly, and feloniously, set on fire any *Dwelling House, Meeting House, Store House*, or shall in like manner, set on fire any *out-House, Barn, Stable, Leanto, Stack of Hay, Corn or Wood*, or any thing of like nature, whereby any *Dwelling House, Meeting House or Store House*, cometh to be burnt, the party or parties vehemently suspected thereof, shall be apprehended by Warrant from one or more of the Magistrates, and committed to Prison, there to remain without Baile, till the next Court of Assistants, who upon legal conviction by due proof, or confession of the Crime, shall adjudge such person or persons to be put to death, and to forfeit so much of his Lands, Goods or Chattels, as shall make full satisfaction, to the party or parties damnified. [1652.]

Capital.

Fish. Fishermen.

VV Hereas it hath been a custome for forreign Fishermen to make use of such Harbours and Grounds in this Country, as have not been Inhabited by English men; and to take Timber and Wood at their pleasure for all their occasions, yet in these parts which are now possessed, and the Lands disposed in proprieties, unto several Towns and Persons, by the Kings Graunt, under the great Seal of England;

Repealed.

pag. 5. 1661.

It is Declared; That it is not Lawfull for any Person, either Fisher-man or other, either Forreigner or of this Country, to enter upon the Lands so appropriate to any Town or Person, or to take Wood or Timber in any such place, without the Licence of such Town or Proprietor, and if any person shall Trespass herein, the Town or Proprietor so injured, may take their remedy by action at Law, or may preserve their goods or other interest, by opposing Lawfull force against such unjust violence; Provided that it shall be lawfull for such Fishermen as shall be employed by any Inhabitants of this Jurisdiction, in the several seasons of the year, to make use of any of our Harbours, and such Lands as are near adjoyning for the drying of their Fish or other needful occasions, as also to have such Timber and Fire-wood, as they shall have necessary use of for their Fishing-seasons where it may be spared, so as they make due satisfaction for the same to such Town or Proprietor. [1646.]

2. Whereas much Damage hath arisen to Merchants trading hence, by bad making of Fish, and the credit of our Trade therein hath much suffered;

*A. 52. P. 9,
10.*

It is therefore Ordered, That at every fishing place within this Jurisdiction, some discreet and honest person be appointed by the County Court, unto which such Fishing place doth belong, and those persons so nominated and

and appointed, are by this Court impowred to give Oath unto such persons as shall be chosen by the deliverers and receivers of any Fish, who have liberty hereby, either of them, to chuse one or more sufficient knowing men in such cases, to view what Fish is delivered and received; which viewers shall be sworn as aforesaid, and what they approve of as Merchantable, the receiver shall accept, and what is Refuse Fish shall be cast by, and the said viewers for their labour and pains aforesaid, shall be allowed *one penny per Quintal* for so much Merchantable Fish as he or they shall view, to be paid one half by the deliverer, and the other half by the receiver:

Sworn viewers
of Fish at all
Fishing places

And for further direction to the viewers in tryal of Fish;

It is hereby Ordered, That all Sun burnt, salt burnt and Dry Fish, that hath been first pickled, shall be judged un-Merchantable.

For the Explanation of an Order bearing date, 1646. and the Repealing of the same, 1667. For giving a liberty to Fishermen, according to a Reservation in the Patent, to cut down Wood for Flakes or Stage and other uses about their Fishing imploy, that it is intended only in that Order to give liberty to such as are Strangers, and come only to make Fishing Voyages, and not to Fishermen that are Inhabitants, who are not to trespass upon any person in their propriety, but are liable to make satisfaction with damages as in any other Action of Tre-pass, no way restraining Fishermen in Common Lands, any Law; Custom or Usage to the contrary notwithstanding.

Fishermens li-
berty to cut
flakes regulated

It is Ordered by this Court and the Authority thereof, that no man shall henceforth kill any Cod fish, Hake, Haddock or Polluck, to be dried for sale in the Month of *December* or *January*, because of their spawning time, nor any Mackrell to Barrel up in the Month of *May* or *June*, under penalty of paying *five shillings* for each Quintal of Fish, and *Five shillings* for each Barrel of Mackrell; nor shall any Fisherman cast the Garbage of the Fish the catch over board at or near the Ledges or Grounds where they take the Fish; nor shall any of the Boats crew refuse or neglect to obey the Order of the Master of the Vessel to which they belong, for the times and seasons of Fishing; nor shall they take or drink any more Strong Liquors then the Master thinks meet to permit them; the breach of these three last being under the penalty of *Twenty shillings* for the first Offence; for the second *forty shillings*; for the third *three Months Imprisonment*, one third part of the aforesaid Fines to the Informer proving the same. [1668.]

No Fish to be
killed when they
go to spawn.

This Court being informed, that the taking of *Mackrel* at unreasonable times do greatly diminish their increase, and will in the issue tend to the Spoil of the Trade thereof;

To prevent damage by unreasonable killing of Mackrel.

Do Order and Enact, That henceforth no *Mackrell* shall be caught, except for spending whilst fresh, before the first of *July* annually, on penalty of the loss of the same; the one half to the Informer, and the other half to the use of the Country. And any Magistrate or County Court is impowred to act herein to all intents and purposes, for the execution of this Law.

To prevent damage by salting Fish with Turtooda's salt.

W Hereas by the blessing of God, the Trade of Fishing hath been advantageous to this Country, which is like to be much impaired by the use of *Turtooda's Salt*, which leaves spots upon the Fish, by reason of Shells and Trash in it: For prevention thereof;

This Court doth Order, and be it hereby Enacted, That all such Fish that is salted with *Turtooda's Salt*, and thereby spotted as abovesaid, shall not be accounted for Merchantable Fish: and all sworn Cullers of Fish are hereby required to have special regard to the fulfilling of this Order, any Law or Custome to the contrary notwithstanding.

FORGERY.

IT is Ordered by this Court and the Authority thereof, That if any person shall forge any Deed or Conveyance, Testament, Bond, Bill, Release, Acquittance, Letter of Attorney, or any Writeing, to pervert Equity and Justice; he shall stand in the Pillory, three several Lecture dayes, and render double damages to the party wronged, and also be disabled to give any Evidence or Verdict to any Court or Magistrate. [1646.]

FORNICATION.

IT is Ordered by this Court and the Authority thereof; That if any man Commit Fornication with any single Woman, they shall be punished, either by enjoyning Marriage, or Fine, or Corporal punishment, or all, or any of these, as the Judges of the Court that hath Cognizance of the Cause shall appoint. [1642.]

THere being a seeming contradiction between the Laws tit. Fornication, and tit. Punishment;

This Court doth Declare, That the former referring to a particular Crime, a shameful Sin, much increasing amongst us, to the great dishonour of

of God, and our profession of his Holy Name, the punishment of that Sin shall be as is prescribed in the said Law, any thing that may seem to restrain or limit the same, contained in the other Law, *tit.* Punishment, notwithstanding, And in case any person legally convicted of that or any other shameful and vicious Crime, be a Freeman; it shall be in the liberty and power of the Court that hath the proper cognizance thereof, besides any other Penalty or Punishment, to add Disfranchisement thereto, [1665.]

VV *Hereas there is a Law provided by this Court for punishing of Fornicators, but nothing as yet for the easing of Towns, where Bastards are born, in regard of the poverty of the Parent or Parents of such Children sometimes appearing, nor any Rule held forth touching the reputed Father of a Bastard for legal conviction;*

It is therefore Ordered, and by this Court Declared, that where any man is legally convicted to be the Father of a Bastard-child, he shall be at the care and charge to maintain and bring up the same, by such Assistance of the Mother as nature requireth, and as the Court from time to time (according to circumstances) shall see meet to Order: and in case the Father of a Bastard, by confession or other manifest proof, upon trial of the case, do not appear to the Courts satisfaction, then the Man charged by the Woman to be the Father, thence holding constant in it, (especially being put upon the real discovery of the truth of it in the time of her Travail) shall be the reputed Father, and accordingly be liable to the charge of maintenance as aforesaid (though not to other punishment) notwithstanding his denial, unless the circumstances of the Case and Pleas be such, on the behalf of the Man charged, as that the Court that hath the cognizance thereof shall see reason to acquit him, and otherwise dispose of the Child and Education thereof; Provided alwayes, in case there be no person accused in the time of her Travail, it shall not be available to abate the conviction of a reputed Father; any Law, Custome or Usage to the contrary notwithstanding.

Whereupon the Father of a Bastard to maintain it.

Freemen. Non-Freemen.

TO the end the Body of the Freemen may be preserved of honest and good men; L. 2. p. 8.

It is Ordered, That henceforth no man shall be admitted to the Freedom of this Common-wealth, but such as are Members of some of the Churches within the limits of this Jurisdiction;

None but Church-members to be Freemen.

And whereas many Members of Churches to exempt themselves from publick service, will not come in to be made Freemen;

It is Ordered, that no Members of Churches within this Jurisdiction, shall be exempt from any publick service they shall be chosen to by the Inhabitants of the several Towns, as Constables, Jurors, Select men, Surveighors of the High-ways; and if any such person shall refuse to serve in, or take upon him any such Office, being legally chosen thereunto, he

shall pay for every such refusal, such fine as the Town shall impose, not exceeding twenty shillings for one offence. [1647.]

Repealed.

THis Court having considered of the proposals presented to this Court by several of the Inhabitants of the County of Middlesex;

Do Declare and Order, That no Man whosoever, shall be admitted to the Freedome of this Body Politick, but such as are Members of some Church of Christ and in full Communion, which they declare to be the true intent of the ancient Law, page the eighth of the second Book, Anno. 1631. [1660.]

Admission of
Freemen,

IN Answer to that part of his Majesties Letter of June 28. 1662. concerning admission of Freemen;

This Court doth Declare, That the Law prohibiting all persons, except Members of Churches, and that also for allowance of them in any County Court, are hereby Repealed.

And do also Order and Enact, That from henceforth all English men, presenting a Certificate under the hands of the Ministers or Minister of the place where they dwell, that they are Orthodox in Religion, and not vicious in their lives, and also a Certificate under the hands of the Select Men of the place, or of the major part of them, that they are Freeholders, and are for their own proper estate (without heads of persons) rateable to the Country in a single Country Rate, after the usual manner of valuation in the place where they live, to the full value of ten shillings, or that they are in full Communion with some Church among us; It shall be in the liberty of all and every such person or persons, being twenty four years of age, House-holders and settled Inhabitants in this Jurisdiction, from time to time to present themselves and their desires to this Court for their admittance to the Freedome of this Common-wealth, and shall be allowed the priviledges to have such their desire propounded, and put to vote in the General Court, for acceptance to the Freedome of the Body politick, by the suffrage of the major part, according to the Rules of our Patent. [1664.]

County Court to
give the Oath of
Freedome

FOrasmuch as several persons who from time to time are to be made Freemen live remote, and are not able without great Trouble and charge to appear before this Court, to take their respective Oathes;

It is therefore Ordered, that henceforth it shall be in the power of any County Court to Administer the Oath of Freedome to any persons approved of by the General Court, who shall desire the same, Any Law or Custome to the contrary notwithstanding. [1664.]

Gallopine

Gallop^{ing} in Boston Streets.

VHereas it appears, that notwithstanding such wholesome Orders as have been hitherto made by the Select men of Boston, provided for the restraint of all persons from violent Riding in the streets of the said Town; yet nevertheless, many take the liberty and boldness to Gallop frequently therein, to the great endangering the Bodies and Limbs of many Persons especially Children, who are ordinarily abroad in the streets, and not of age or discretion suddenly to escape such danger. This Court having seriously considered the Premises, being careful to prevent a practise that is like to be of such dangerous consequence;

Do Order, That no person whatsoever, shall after the publication hereof, Gallop any Horse within any the streets of the said Town, upon penalty of forfeiting three shillings and four pence for every such offence, upon conviction before any one Magistrate or Commissioner of Boston, to be paid to the Treasury of the County of Suffolk, unless it appear on extream necessity.

Penalty for Gal.
lost in Boston
Pr. etc.

Gaming and Dancing.

UPon complaint of the disorders, by the use of the Games of Shuffle-board and Bowling, in and about Houses of Common-entertainment, whereby much precious time is spent unprofitably, and much waste of Wine and Beer occasioned;

L. 2. p. 2.

It is Ordered by this Court and the Authority thereof, That no person shall henceforth use the said Games of Shuffle board, or Bowling, or any other Play or Game, in or about any such House:

No Gaming in
Ordinaries.

Nor in any other House used as common for such purpose, upon pain for every keeper of such House to forfeit for every such offence twenty shillings, and every person playing at the said Game, &c. in or about any such House, shall forfeit for every such offence five shillings:

Nor shall any person at any time Play or Game for any Money or Money worth, upon penalty of forfeiting treble the value thereof, one half to the party informing and the other half to the Treasury; nor shall any person be an Abettor to any kinde of Gaming on the like penalty.

No Gaming for
money.

Nor shall there be any Dancing in Ordinaries upon any occasion, on the penalty of five shillings for every person that shall offend; and any Magistrate may hear and determine any offence against this Law. [1646, 47, 51.]

No Dancing in
Ordinaries.

For preventing disorders arising in several places within this Jurisdiction, by reason of some still observing such Festivals, as were Superstitiously kept in other Countries, to the great dishonour of God and offence of others;

A. 51. p. 3.

It is therefore Ordered by this Court and the Authority thereof, that
M who

Penalty for
keeping Christ-
mas.

whosoever shall be found observing any such day as Christmas or the like, either by forbearing labour, feasting, or any other way upon any such account as aforesaid, every such person so offending, shall pay for every such offence *five shillings* as a fine to the County.

And whereas not only at such times but several other times also, it is a custome too frequent in many places, to expend time in unlawful Games, as Cards Dice, &c.

penalty for play-
ing at Cards and
Dice.

It is therefore further Ordered, and by this Court Declared, That after publication hereof, whosoever shall be found in any place within this Jurisdiction, playing either at Cards or at Dice, contrary to this Order, shall pay as a fine to the County the sum of *five shillings* for every such offence.

Penalty for
Gaming.

V Hereas the great sin of Gaming increaseth within this Jurisdiction, to the great dishonour of God, corrupting of Youth, and expending of much precious time and estate: for the preventing of which, and as an addition to the Law, tit. Gaming, &c.

This Court doth Declare, and be it Ordered by the Authority thereof, That what person or persons soever, shall bring into this Jurisdiction any playing Cards or Dice, or with whomsoever such Cards or Dice be found in his or their Custody, he or they shall pay as a fine the sum of *five pounds*, the one half to the Treasurer, the other half to the Informer: But in case any such Cards or Dice shall come into the custody of any person without his knowledge or consent, he shall carry them to the next Magistrate or Commissioner within two dayes after his knowledge of them, to dispose of them as the said Magistrate or Commissioner shall see cause, any such person shall be free from the penalty.

And if any person that hath played or gamed, and shall give Information thereof, he shall be freed from the penalty of the Law to pay treble damage, but shall have no further benefit of the Law by his information.

And also any such persons Testimony shall be good in Law, for one Testimony, against any that shall break this Law.

And it is also Declared, that it is and shall be in the liberty of the Court or Judges that shall determine any such case, to punish the transgressor or transgressors of the Law, by imposing the fine, or otherwise by corporal punishment as they shall judge best; any Law, Usage or Custome to the contrary notwithstanding. [1670.]

Heresie Error.

Although no Humane power be Lord over the Faith and Consciences of Amen, yet because such as bring in damnable Heresies, tending to the subversion of the Christian Faith, and destruction of the Souls of men, ought duly to be restrained from such notorious impieties;

It

It is therefore Ordered and Declared by the Court; That if any Christian within this Jurisdiction, shall go about to subvert and destroy the Christian Faith and Religion, by broaching and maintaining any damnable Heresies: As denying the immortality of the Soul, or resurrection of the Body, or any sin to be repented of in the regenerate, or any evil done by the outward man to be accounted sin, or denying that Christ gave himself a Ransome for our sins, or shall affirm that we are not justified by his death and righteousness, but by the perfections of our own works, or shall deny the Morallity of the fourth Commandment, or shall openly condemn or oppose the Baptizing of Infants, or shall purposely depart the Congregation at the administration of that Ordinance, or shall deny the Ordinance of Magistracy, or their lawful Authority, to make War, or to punish the outward breaches of the first Table, or shall endeavour to seduce others to any of the Errors or Heresies abovementioned; every such person continuing obstinate therein, after due means of conviction, shall be sentenced to Banishment. [1646. 44.]

Errors.

L. 1. p. 2.

Anabaptists.

Obstinate to be banished.

2. The Holy Scriptures of the Old and New Testament, being written by the Prophets, Apostles, and Holy men of God, inspired by the Holy Ghost, containing in them the infallible and whole Will of God, which he purposed to make known to Man-kinde, both for his own Worship and Service, and also for the Instruction, Obedience, Faith and Salvation of Man, which yet by Hereticks in former ages, and now of late, have been opugned and denied so to be, which tends to the overthrow of all true Religion, and Salvation, for the prevention of so heinous a crime;

A. 57. p. 7. 8.

It is Ordered by this Court and the Authority thereof; That what person or persons soever, professing the Christian Religion, above the age of sixteen years, that shall within this Jurisdiction, wittingly and willingly, at any time after the publication of this Order, deny either by Word or Writing, any of the Books of the Old Testament, As

Genesis, Exodus, Leviticus, Numbers, Deuteronomy, Joshua, Judges, Ruth, Samuel, Samuel, Kings, Kings, Chronicles, Chronicles, Ezra, Nehemiah, Esther, Job, Psalms, Proverbs, Ecclesiastes, Canticles, Isaiah, Jeremiah, Lamentations, Ezekiel, Daniel, Hosea, Joel, Amos, Obadiah, Jonah, Micah, Nabum, Habakkuk, Zephaniah, Haggai, Zechariah, Malachi. Or New, as Matthew, Mark, Luke, John, Acts, Romans, Corinthians, Corinthians, Galatians, Ephesians, Philippians, Colossians, Thessalonians, Thessalonians, Timothy, Timothy, Titus, Philemon, Hebrews, James, Peter, Peter, John, John, John, Jude, and Revelation. To be the written and infallible Word of God.

Denying the Scriptures to be the word of God

Or if any person as aforesaid, belonging to this Jurisdiction, shall commit the said crime upon the Sea, not being or belonging to the Jurisdiction of any other Common wealth, shall be forthwith apprehended by the next Officer or Officers, whether Marshal or Constable or their Deputy, who shall have power so to do by warrant from any one of the Magistrates, and shall be committed to the Prison at Boston, without Bale or Mainprize, there to be safely kept till the next County Court, where upon sufficient Testimony brought against the said Delinquent, he shall be adjudged for his offence after legal conviction, to pay such a fine as the Court which shall have cognizance of the crime shall judge meet, not exceeding the sum of fifty pounds, or shall be openly and severely whipt by the executioner, whether Constable or any other appointed, not exceeding forty strokes, unless he shall publicly recant before his Sentence (which if he do) he shall not pay above the fine of ten pounds to the Treasurer for the use of the Common-wealth, or be whipt in case he pay not the fine.

Penalty.

And it is further Ordered and Enacted, That if the ſaid Offender after his Recantation, Sentence or Execution, ſhall the ſecond time publiſh, and Obſtinately, and Pertinaciouſly maintain the ſaid wicked Opinion, he ſhall be Banished or put to Death as the Court ſhall Judge. [1651.]

A. 54 p. 7.

Muggletons
books to be de-
livered in to
ſome Magiſtrate

3. It is Ordered, that all and every of the Inhabitants of this Jurisdiction, that have any of the Books in their Cuſtody, that go under the names of *John Reeves*, and *Lodowick Muggleton* (who pretends themſelves to be the two laſt Witneſſes, and Prophets of Jeſus Chriſt) which are full of Blaſphemies, and ſhall not bring or ſend in all ſuch Books in their Cuſtody to the next Magiſtrate, ſhall forfeit the ſum of *ten pounds* for every ſuch Book found in his hand, the one half to the Informer, the other half to the Country.

to be burnt.

And as many of the ſaid Books, as are, or ſhall be in Cuſtody, ſhall be burnt in the Market place at *Boston*, on the next Lecture day, by the Common Executioner.

A. 56 p. 13.

Quakers

4. Whereas there is a curſed Selt of Hereticks lately riſen up in the World, which are commonly called *Quakers*, who take upon them to be immediately ſent of God, and infallibly aſſiſted by the Spirit, to ſpeak and write Blaſphemous Opinions diſpiſing Government, and the Order of Gods Church and Common-wealth, ſpeaking evil of Dignities, reproaching and reviling Magiſtrates and Miniſters, ſeeking to turn the People from the Faith, and gain Proſelites to their pernicious wayes. The Court conſidering the pre-miſes, and to prevent the like miſchief, as by their means is wrought in our Native Land;

Not to be
brought into
this Jurisdiction
by any Maſter of
ſhip on penalty
of 100 pounds

Doth hereby Order, and by the Authority of this Court be it Ordered and Enacted; That no Maſter or Commander of any Ship Barque, Pinnace, Ketch, or other Veſſel, ſhall henceforth bring into any Harbour, Creek or Cove within this Jurisdiction, any known Quaker or Quakers, or any other Blaſphemous Hereticks as aforeſaid, upon the penalty of the forfeiture of *one hundred pounds*, to be forthwith paid to the Treasuſurer of the Country, except it appeareth that ſuch Maſter wanted true notice or information that they were ſuch, and in that caſe he may clear himſelf by his Oath, when ſufficient proof to the contrary is wanting.

And for default of payment of the ſaid fine of *one hundred pounds*, or good ſecurity for the ſame, ſuch Maſter ſhall be committed to priſon, by warrant from any Magiſtrate, there to continue till the ſaid fine be ſatiſfied to the Treasuſurer as aforeſaid.

Maſters that
bring in Quakers
muſt carry them
back.

And the Maſter or Commander of any ſuch Ship or Veſſel that ſhall bring them, being legally convicted, ſhall give in ſufficient ſecurity to the Governour or any one or more of the Magiſtrates, to carry them back to the place whence he brought them, and on his refusal ſo to do, the Governour or the ſaid Magiſtrate or Magiſtrates ſhall commit ſuch Maſter or Commander to priſon, there to continue till he ſhall give in ſufficient ſecurity to the content of the Governour or ſaid Magiſtrates.

A. 57 p. 26.

And if any perſon or perſons within this Jurisdiction, ſhall henceforth entertain and conceal any ſuch Quaker or Quakers, or other Blaſphemous Hereticks (knowing them to be ſuch) every ſuch perſon ſhall forfeit to the Country *forty ſhillings* for every hours entertainment and concealment of any Quaker or Quakers, &c. as aforeſaid, and ſhall be committed to priſon as aforeſaid, till the fines be fully ſatiſfied and paid.

5. And every perſon or perſons, that ſhall incourage or defend any of their pernicious wayes, by ſpeaking, writeing or meeting on the Lords day, or at any other time, ſhall after due means of conviction incur the penalty infueing, viz. every perſon ſo meeting, ſhall pay to the uſe of the Country, for every time ten ſhillings, and every one ſpeaking in ſuch meeting, ſhall forfeit five pounds.

A. 58.

Incouragers of Quakers their penalty.

6. If any perſon ſhall knowingly import into any Harbour of this Jurisdiction, any Quakers Books or Writeings, concerning their damnable Opinions, he ſhall forfeit for every ſuch Book or Writeing five pounds, and whoſoever ſhall diſperſe or conceal any ſuch Book or Writeing, and it be found with him or her, or in his or her Houſe, and ſhall not immediately deliver the ſame to the next Magiſtrate, ſhall forfeit and pay five pounds for diſperſing or concealing every ſuch Book or Writing.

Diſperſing Quakers Books

penalty 5 pounds

7. And every perſon or perſons whatſoever, that ſhall revile the Office or perſon of Magiſtrates or Miniſters, as is uſual with the Quakers, ſuch perſon or perſons ſhall be ſeverely whipt, or pay the ſum of five pounds.

Reviling of Magiſtrates or Miniſters.

8. And every perſon that ſhall publiſh and maintaine any Hetrodox or erroneous Doctrine, ſhall be liable to be Queſtioned and Censured by the County Court where he liveth, according to the merit of his Offence.

A. 53 p. 19.
Publiſhers of Errors

9. Whereas there is a pernicious Sect, commonly called Quakers, lately ariſen, who by Word and Writeing, have publiſhed and maintained many dangerous and horrid Tenents, and do take upon them to change and alter the received laudable cuſtomes of our Nation, in giving civil reſpect to equals, or reverence to Superiours, whoſe Actions tend to undermine the Authority of Civil Government as alſo to deſtroy the Order of the Churches, by denying all eſtabliſhed forms of Worſhip, and by withdrawing from the Orderly Church Aſſemblies, allowed and approved by all Orthodox Profeſſors of the Truth; and inſtead thereof, and oppoſition thereunto, frequenting private meetings of their own, inſinuating themſelves into the minds of the ſimpler, or ſuch as are leſs affected to the Order and Government of the Church and Common-wealth, whereby divers of our Inhabitants have been infected and ſeduced, notwithstanding all former Laws made, (upon experience of their arrogant bold obtruſions, to diſſeminate their Principles amongſt us) prohibiting their coming into this Jurisdiction, they have not been deterred from their impetuous Attempts to undermine our peace and haſten our ruine;

A. 58.

For prevention thereof, This Court doth Order and Enact, that every perſon or perſons of the curſed Sect of the Quakers, who is not an Inhabitant of, but found within this Jurisdiction, ſhall be Apprehended (without Warrant, where no Magiſtrate is at hand) by any Conſtable Commiſſioner or Select Man, and conveyed from Conſtable to Conſtable until they come before the next Magiſtrate, who ſhall commit the ſaid perſon or perſons to cloſe Priſon, there to remain without Baile until the next Court of Aſſiſtants where they ſhall have a legal trial by a ſpecial Jury, and being convicted to be of the Sect of the Quakers, ſhall be ſentenced to Banishment upon pain of Death.

Quakers to be Apprehended

Inpriſoned

And that every Inhabitant of this Jurisdiction, being convicted to be of the aforeſaid Sect, either by taking up, publiſhing and defending the horrid Opinions of the Quakers, or by ſtirring up Mutiny, Sedition or Rebellion

Banished on pain of death.
Qualification of Quakers

N

againſt

against the Government, or by taking up their absurd and destructive practises, viz. denying civil respect and reverence to Equals and Superiours, withdrawing from our Church Assemblies, and instead thereof frequenting private meetings of their own, in opposition to Church Order, or by adhering to, or approving of any known Quakers that are opposite to the Orthodox received Opinions and Practises of the Godly, and endeavouring to disaffect others to Civil Government and Church Order; and condemning the practise and proceedings of this Court against the Quakers, manifesting thereby compliance with those, whose design is to overthrow the Order established in Church and Common-wealth: Every such person upon examination, and legal conviction before the Court of Assistants in manner as aforesaid, shall be committed to close prison for one Month, and then unless they chuse voluntarily to depart the Jurisdiction, shall give Bond for their good Abbearance and appearance at the next Court of Assistants, where continuing obstinate, and refusing to retract and reform the aforesaid Opinions and Practises, shall be sentenced to Banishment upon pain of Death: And in case of the aforesaid voluntary departure, not to remain, or again to return into this Jurisdiction, without the allowance of the major part of the Council first had and published, on penalty of being Banished upon pain of Death, and any one Magistrate, upon information given him of any such person, shall cause them to be apprehended, and if upon examination of the case, he shall according to his best discretion finde just ground for such complaint, he shall commit such person to prison, until he comes to his tryal as is above expressed. [1646.]

Quakers voluntarily departs, may not return without licence

One Magistrate may commit to prison.

THis Court being desirous to try all means, with as much Lenity as may consist with our safety, to prevent the Intrusions of the Quakers, who besides their Absurd and Blasphemous Doctrines, do like Rogues and Vagabonds come in upon us, and have not been restrained by the Laws already provided;

Order against Quakers and Vagabond Rogues.

Have Ordered, that every such Vagabond Quaker, found within any part of this Jurisdiction, shall be Apprehended by any person or persons, or by the Constable of the Town wherein he or shee is taken, and by the Constable or in his absence, by any other person or persons conveyed before the next Magistrate of that Shire wherein they are taken, or Commissioner invested with Magistratical power: And being by the said Magistrate or Magistrates, Commissioner or Commissioners adjudged to be a wandering Quaker, viz. one that hath not any dwelling, or orderly allowance as an Inhabitant of this Jurisdiction, and not giving civil respect by the usual gestures thereof, or by any other way or means manifesting himself to be a Quaker, shall by Warrant under the hand of the said Magistrate or Magistrates, Commissioner or Commissioners, directed to the Constable of the Town wherein he or shee is taken, or in absence of the Constable, to any other meet person, be stripped naked from the middle upwards, and tyed to a Carts tail, and whipped through the Town, and from thence immediately conveyed to the Constable of the next Town towards the borders of our Jurisdiction, as their Warrant shall direct; and so from Constable to Constable till they be conveyed through any the outwardmost Towns of our Jurisdiction.

And if such Vagabond Quaker shall return again, then to be in like manner Apprehended, and conveyed as often as they shall be found within the Limits of our Jurisdiction; Provided every such wandering Quaker, having

having been thrice convicted and ſent away as aboveſaid, and returning again into this Jurisdiction, ſhall be Apprehended, and Committed by any Magiſtrate or Commiſſioner as aboveſaid unto the Houſe of Correction within that County wherein he or ſhee is found, until the next Court of that County; where if the Court judge not meet to releaſe them, they ſhall be Branded with the Letter *R*, on their left ſhoulder, and be ſeverely Whipt, and ſent away in manner as before.

And if after this, he or ſhee ſhall return again; then to be proceeded againſt as Incorrigible Rogues and Enemies to the Common Peace, and ſhall immediately be apprehended, and Committed to the Common Goal of the Country, and at the next Court of Aſſiſtants ſhall be brought to their tryal, and proceeded againſt according to the Law made *Anno. 1658. pag. 36.* for their puniſhment on pain of death.

And for ſuch Quakers as ſhall ariſe from amongſt our ſelves, they ſhall be proceeded againſt as the former Law of *Anno. 1658. pag. 36.* doth provide, until they have been convicted by a Court of Aſſiſtants; and being ſo convicted, he or ſhee ſhall then be Banished this Jurisdiction; and if after that they ſhall be found in any part of this Jurisdiction, then he or ſhee ſo Sentenced to Banishment, ſhall be proceeded againſt as thoſe that are Strangers and Vagabond Quakers, in manner as is above expreſſed.

And it is further Ordered, That whatſoever charge ſhall ariſe about Apprehending, Whipping, Conveying, or otherwiſe about the Quakers, to be laid out by the Conſtables of ſuch Towns where it is expended, and to be repaid by the Treasuſer out of the next Country Levy.

And further, that the Conſtables of the ſeveral Towns are hereby impowred from time to time, as neceſſity ſhall require, to Impreſs Cart, Oxen, and other Aſſiſtants for the Execution of this Order. [1661.]

THis Court heretofore, for ſome Reaſons inducing, did judge meet to ſuſpend the execution of the Laws againſt Quakers, as ſuch, ſo far as they reſpect Corporal puniſhment or Death, during the Courts pleaſure. Now foraſmuch as new complaints are made to this Court of ſuch perſons abounding, eſpecially in the Eaſtern parts, endeavouring to draw away others to that wicked Opinion;

It is therefore Ordered, that the laſt Law *tit. Vagabond Quakers, May 1661.* be henceforth in force in all reſpects; Provided that their Whipping be but through three Towns: and the Magiſtrate or Commiſſioners ſigning ſuch Warrant, ſhall appoint both the Towns, and number of Stripes in each Town to be given. [1662.]

Order againſt
Vagabond Quakers
May 1661:
in force

HIDES and SKINS.

VHereas ſome perſons move ſeeking their own private advantage than the good of the Publick, do Transport Raw Hides and Pelts;

Raw Hides not
to be transported.

It is Ordered that henceforth no person shall deliver aboard any Ship or other Vessel, directly or indirectly, any Raw Hide, Skin, Pelt or Leather unwrought, with intent to have the same transported out of this Jurisdiction, upon pain to forfeit the same or the value thereof

And that no Master of any Ship or Vessel shall receive any Raw Hides, Skins, Pelts or Leather unwrought, directly or indirectly aboard his Ship or Vessel to be so transported upon the like penalty.

Provided that any Person, Stranger or other, may transport any Hides or Skins brought hither from beyond the Seas by way of Merchandize, or the Skins of Bever, Moos, Bear and Otter. [1646.]

L. 2. p. 8.

2. Upon Information of the neglect of many persons, in not saving such Hides or Skins, as either by casualty or Slaughter come to hand, whereby damage redounds to the Country;

Hides and skins
to be preserved.

It is Ordered, that every Hide or Skin shall carefully be dried, before it corrupt, and that such Hides or Skins shall be sent where they may be Tanned or Dressed, and whosoever shall neglect to do as aforesaid, shall forfeit for every such Hide five shillings, and for ever Skin of Calves or small Cattle twelve pence. [1640, 46.]

HIGH-WAYES.

TO the end there may be convenient High-wayes for Travellers.

It is Ordered by the Authority of this Court, That all Country Highways shall be such as may be most easie and safe for Travellers, to which purpose the Court of that County where such High-wayes is to be made and laid out, shall upon complaint appoint two or three men of each next Town, whose Inhabitants have most occasion thereof, upon view to lay out such High-wayes according to Order, given them by that Court, and make return of what they do therein to the next Court, Provided alwayes it occasion not the pulling down of any Mans House, or laying open any Garden or Orchard, and in Common Grounds, or where the Soyle is wet, myrie or very rocky, shall lay out such High-wayes the wider, viz. six, eight, ten or more Rods.

Satisfaction to
be given proprietor.

Provided, that if any Man be thereby damaged in his improved Ground, the Town shall make him reasonable satisfaction, by estimation of those that laid out the same: and if such persons deputed cannot agree, it shall be referred unto the County Court of the Shire, who shall have power to hear and determine the Case; And if any person finde himself justly grieved with any act or thing, done by the persons deputed aforesaid, he may Appeal to the County Court aforesaid, but if he be found to complain without cause, he shall surely pay all charges of the parties, and Court, during that Action, and also be fined to the Country as the Court shall adjudge. [1639.]

Private wayes in
Towns.

2. It is Ordered and Declared by this Court, That the Select Townsmen of every Town, have power to lay out (by themselves or others) particular

particular and private wayes concerning their own Town, only so as no damage be done to any man without due recompence to be given by the judgement of the said Select men, and one or two chosen by the said Select men, and one or two chosen by the party, and if any person shall finde himself justly grieved, he may Appeal to the next County Court of that Shire, who shall do justice therein as in other Cases. [1642.]

Private wayes
in Towns

3. Upon information that divers High-wayes are much annoyed and incumbered by Gates and Rails erected upon them;

Incumbrance in
High-wayes to
be removed.

It is Ordered by the Authority of this Court; That upon any information or complaint made to any County Court, or to any Magistrate of any such Gates or Rails erected, or to be erected upon any Common High-way, the said Court or Magistrate shall appoint a Committee of discreet and indifferent men to view such incumbrance, and to Order the reformation thereof.

And if the parties whom it shall concern, shall not submit to such Orders, they shall require them to appear at the next Court of that Shire, and also shall certifie the incumbrance found, and Order by them made under their hands unto the said Court, or appear in person to prosecute the cause, where it shall be heard and determined for ease and convenience of Travellers, with due respect to the Proprietors cost and damage, but no person shall stand charged with the repair of common High-wayes through his own Ground. [1647.]

HORSES, MARES.

It is Ordered by this Court and Authority thereof; That no Master or Commander of any Ship or Barque, shall receive on board his Ship or Vessel, any Horse, Gelding or Mare, but such as shall be entred into a Book, with the colour, particular marks and age, (as near as may be known) and person of whom such Horse was last bought, and proof by Witness or Oath that he was the true owner thereof, to be kept by the Clerks of the Writs in all their Towns, who are hereby Authorized to view all such as shall be shipped; and for every Horse so entred, there shall be paid to the said Officers, by the Owner or Merchant of such Horse, six pence a piece.

L. 2. p. 11.

Horses to be
transported, to
be entred in a
Book.

And every Commander or Master of any Vessel, who shall take on board any other Horse or Mare, except such as he shall receive a Note under the hand of the said Clerk, and be entred as aforesaid, shall for every such offence forfeit the Sum of forty shillings to the Informer and forty shillings to the Treasury. [1649.]

Penalty

It is Ordered, that no person shall under any pretence sell or any way dispose any Horse, Mare or Colt, to any Indian, upon the penalty of one hundred pounds. [1655.]

No Horse to be
sold to Indians.

Whereas the Breed of Horses in the Country is utterly spoiled, whereby that useful Creature will become a burthen, which otherwise might be beneficial, and the occasion thereof is conceived to be through the smallness and badness of Stone Horses and Colts that run in Commons and Woods;

Order for the
best improvement
of Stone Horses

For prevention whereof, This Court doth Order and Enact, and be it Ordered and Enacted by the Authority hereof, That no Stone Horse above two years old shall be suffered to go in Commons and Woods at liberty, unless he be of comely proportion and sufficient stature, not less then *fourteen Hands high*, reckoning *four Inches to a Handful*, and such a Horse to be viewed and allowed by the major part of the Select men of the Town where the owner lives.

And if any person or persons turn any Stone Horse upon the Commons, or at liberty, or in the Woods, being not viewed and allowed as before, he or they shall forfeit *twenty shillings* a Month for every Stone Horse running at liberty, after he is a *two years old*; which penalty is to be taken by Warrant of the Select Men, and employed to the Towns use, and if the Select Men of any Town do neglect their duty in taking their fines, and viewing such as are brought in, according to this Law, they shall forfeit *twenty shillings* to the County Treasury; and this Law to be in force the first of *October* next. [1668.]

Idle Persons.

VV Hereas in the Law tit. House of Correction, Idle persons are particularly named as such, as the Law intendeth should be committed to that House for Correction and Reformation: This Court taking notice, upon good information and sad complaints, that there are some persons in this Jurisdiction, that have Families to provide for, who greatly neglect their Callings, or mispend what they earn, whereby their Families are in much want, and are thereby exposed to suffer, and to need relief from others;

This Court for remedy of these great and unsufferable evils; do Declare, that by Idle persons (mentioned in the recited Law) such neglectors of their Families, are comprehended amongst the rest, and that in a special manner. [1668.]

Constable to
take notice of
Idle persons.

IT is Ordered, that no person, House-holder or other, shall spend his time Idely or unprofitably, under pain of such punishment, as the County Court shall think meet to inflict.

And the Constables of every Town are required to use special care to take notice of Offenders in this kinde, especially of common Coasters, unprofitable Fowlers, and Tobacco takers, and present the same to the next Magistrate, who is hereby impowred to hear and determine the cause, or transfer it to the next Court. [1633.]

JESUITES.

THis Court taking into consideration the great Wars, Combustions and Divisions which are this day in Europe and that the same are observed to be raised and fomented, chiefly by the secret underminings, and solicitations of those of the Jesuitical Order, Men brought up and Devoted to the Religion and Court of Rome, which hath occasioned divers States to expel them their Territories, for prevention whereof among our selves;

It is Ordered and Enacted by Authority of this Court, That no Jesuite or Spiritual or Ecclesiastical person (as they are termed) Ordained by the Authority of the Pope or See of Rome, shall henceforth at any time repair to, or come within this Jurisdiction: And if any person shall give just cause of suspicion, that he is one of such Society or Order, he shall be brought before some of the Magistrates, and if he cannot free himself of such suspicion, he shall be committed to Prison, or bound over to the next Court of Assistants, to be tryed and proceeded with, by Banishment or otherwise as the Court shall see cause.

Forbidden to enter our Jurisdiction.

To be Banished.

And if any person so Banished, be taken the second time within this Jurisdiction, upon lawful tryal and conviction, he shall be put to Death. Provided this Law shall not extend to any such Jesuite, Spiritual or Ecclesiastical person, as shall be cast upon our Shores by Ship-wrack or other Accident, so as he continue no longer then till he may have opportunity of Passage for his departure; nor to any such as shall come in company with any Messenger hither upon publick occasions, or Merchant, or Master of any Ship belonging to any place, not in enmity with the State of England, or our selves, so as they depart again with the same Messenger, Master or Merchant, and behave themselves inoffensively during their abode here. [1647.]

IMPOSTS.

FOR the support of the Government and Maintenance of Fortification, for the protecting and safe guarding our Harbours for our selves and others that come to Trade with us;

It is Ordered by this Court and the Authority thereof, That every Person, Merchant, Seaman or other, that bring Wines, or Strong-waters into any of our Harbours, in any Ships or Vessels whatsoever (except they come directly from England as their first Port) before they Land any of the said Wines or Strong-waters, more or less, shall first make entry of as many Butts, Pipes or other Vessels, as they or any of them shall put on shore, by a Note under their Hands delivered to the Officer that is to receive the Customes at his House, upon pain of forfeiture and confiscation of all such Wines and Strong-waters as are Landed, before such entry

A. 13. P. 19.

Wines to be entered before landed.

made, wheresoever found, the one half to the Country, the other half to the Officer, and the Merchant or owner of such Wines of any kinde, or Strong waters, as soon as he Lands them, shall deliver and pay unto the said Officer what is due for Custome of them according to this Order, in Wine or Strong-water, according to the proportion of the goodness of the parcel that is brought in, as the Officer and Owner can agree, to the contentment and satisfaction of the said Officer, but if they cannot agree, the Treasurer for the time being shall Determine the price thereof.

Custome to be paid upon the Landing-
Customers Deputy.

And it is further Ordered, that the chief Officer or Customer shall have under him a Deputy or Deputies, who shall be as searchers or waiters in severall places, to take up such Wines or Strong-waters by order of the said chief Officer, and to take notice of what is Landed in any place of this Jurisdiction, that the Country be not defrauded, who shall have due recompence, as the chief Officer shall agree with them, and all Wines shall pay Custome according to the Rates following:

Rates of the Custom of wine.

Every Butte or Pipe of Fyall Wines, or any other Wines of the Western Islands, *five shillings*.

Every Pipe of Madera wine *six shillings eight pence*.

Every Butte or Pipe of Sherry, Sack, Malaga, or Canary Wines, *ten shillings*.

Muscadels, Malmsies and other Wines from the Straits, *ten shillings*.

Bastards, Tents and Alligants, *ten shillings*.

And proportionable for greater or lesser Vessels of each kinde.

Every Hogshead of French Wines *two shillings six pence*.

And every Hogshead of Strong-waters, *ten shillings*, and proportionably for greater or lesser quantities.

Customers power and duty.

2. And for the better recovering any such Customes of Wines and Strong waters, or Forfeitures, for not entring according to this Order;

It is Ordered, that the said Officer or his Deputy, hath hereby power, and is required to go into all Houses or Cellars, where he knoweth or suspecteth any Wine or Strong-waters to be, and shall seize all such Wines and Strong-waters as are not entred according to this order; and also seize and take possession of so much Wines and Strong waters as shall make payment for what Custome is due, according to entries made, and is refused or neglected to be paid in due manner according to this Order.

Constables to assist the Officer

And all Constables and other Officers are hereby required to assist and aid the Officer in the discharge of his duty, and helping to break open such Houses or Cellars of the Owners of such Wines or Strong-waters, as shall refuse to open their doors or deliver their Keys in a peaceable manner.

Constables and others to assist the Customer

And any Smith, Carter, Owner of Boat, Porter or other, that shall be required by the Officer to help and assist in taking, loading and transporting such Wines for the use of the Country, and shall refuse or neglect such service for due hire, shall forfeit to the Common Treasury, *ten shillings* for such default, to be levied by the Constable, by Warrant from any one Magistrate.

penalty of ten shillings

And all Debts due unto the Country for Custome of Wines or Strong-waters, where Wines or Strong-waters are not to be found, they shall be recoverable in a way of Action, according to the course of Law in other Cases.

3. And it is further Orderd, That besides the Customes of Wines or Strong-waters aforesaid, all Merchants or Masters of Strangers Ships; which shall arive with Merchandize, in any of our Harbours of *Boston* or *Charl-town*, and shall make sale thereof, or of the greater part of the same, shall pay by way of Custome or Imposition, after the Rate of *six pence per Tun* for every Ship, to be paid out of the said Merchandize; And the Master of every such Ship, shall also pay *ten shillings* towards the maintenance of our Fortifications, for the defence of our said Harbours; Provided no *English-ship*, or other Ship or Vessel, Fraught in *England*, by any *English man* arriving in our said Harbours, nor any Vessel of our Confederates, or any other parts where our Sips are free of Customes, Imposts and Taxes, shall pay the said Custome of *six pence per Tun* to the Officer appointed, but only towards the maintenance of the said Fortifications *ten shillings* for every Ship above the burthen of two *Hundred Tuns*, and *six shillings eight pence* for all other Vessels and Ships under that burthen. [1645.]

Sixpence per
Tun to be paid
by every ship

For a Ship of 200
Tuns. For
100 Tuns, 600.
more.

Impost on Wine and Strong Liquors.

VV Hereas the General Court hath formerly for good and weighty Reasons, laid an Impost upon Wines and Strong-waters Imported;

It is thought expedient by this Court, for good causes and considerations, to set a Rate upon all Cyder, Mum, Ale and Beer; sold in publick Houses licensed to sell such things, that is to say, *two shillings six pence per Hogthead* upon all Cyder, Ale and Beer, and *five shillings per Hogthead* upon all Mum, and so in proportion thereto, to each of them in greater or lesser quantities.

Impost on Wine
imported
Impost on Ale
and Beer
per Hogthead

And this Court doth further Order that these Rates or Sums aforesaid, be paid to the Treasurer of the Country or to his Assignes in Money, by every person Licensed to keep an Inne, Ordinary, or House of publick entertainment, within this Jurisdiction whatsoever.

Mum, s. p. 5
Hogthead

And to that end, every person so Licensed, and selling, are Ordered and Required to keep a true and just account of what he or they shall sell from time to time; and that at the end of every Month or Week, being thereto required, after the publication hereof, they shall present the said account to the Treasurer aforesaid, upon Oath if required, or to his Assigne, and pay all the Money due hereby; and in case any of the persons Licensed as aforesaid, shall refuse or neglect to do what is above Ordered, upon conviction before any two Magistrates or Court of that County where the offence is committed, shall pay treble damage to the Country or forfeit his or their License, at the discretion of that Authority that shall take Cognizance thereof. [1668.]

Wines & Strong
Liquors imported
to be entred
with the Officer.

FOr the better Explanation and effectual Execution of the Law, tit.
Impost;

It is Ordered and Enacted by this Court and the Authority thereof, That all Wines and Strong-waters Imported into this Jurisdiction, according to that Law, be entred with the Officer in particulars, both for quantity and quality, before any of it be Landed, upon the penalty of the forfeiture of all that is Landed before it be entred.

It is Ordered that the Impost required by Law be paid to the Officer in Money, or the best of the specie at Money price.

Impost upon all Goods and Provisions.

THis Court taking notice of sundry Complaints of much Inequality in the present way of raising Moneys to defray Publick Charges;

Do therefore Order, and by the Authority of this Court, be it Ordered and Enacted:

I. That all Goods, Wares, Merchandizes and Provisions of all sorts (excepting Fish, Sheeps-Wool, Cotton-wool, Salt, and such other things as by former Laws are exempted, or otherwise provided for) which from any foreign part, or other Jurisdiction, shall be imported into any of our Harbours, Ports, Shores or elsewhere within this Jurisdiction, shall be Rated in a just proportion with Estates Rateable in the Country, viz. for every twenty shillings value, shall be paid one penny in Money.

II. All Goods, Wares and Merchandizes as aforesaid, shall be here valued as followeth; that is, Every Hundred pounds at the Port or Place from whence it came, to be accounted here at one Hundred and twenty pounds, which penny per twenty Shillings, shall be paid by the Agent, Factor, Owner or other person by whom they are brought, or to whom they are sent or Consigned; and so according to the same proportion for all greater or lesser quantities whatsoever.

III. To which end, all Goods and Provisions as aforesaid Imported, shall by the Master, Purser, Boatswain, or Skipper of each Ship or other Vessel in which they are brought, before breaking Bulk, or Landing any of the said Goods, be certified unto the Country Treasurer or Collector by him impowred in the several Port Towns, or other places where they are brought, on penalty of forfeiture of twenty shillings per Tūn, according to the burthen of the Ship or Vessel wherein they are brought from time to time.

IV. And all and every such Collector, shall carefully and truly enter all such Goods, with their several Marks, Casks, Packs, Fardels, Trusses, Chests, Trunks, Cases, and all other things however called or distinguished, with the Names of the persons to whom such Goods or other Things are sent and Consigned, or are Owners thereof, so far as may by any lawful means be discovered.

V. And .

V. And all persons to whom such Goods or other things aforesaid, are Configned or sent, or are the Owners thereof, shall from time to time, before such Goods are Landed, signifie the true and just value thereof, by shewing the true and perfect Invoice thereof, unto the aforesaid Collectors for each Port; who are hereby required to Enter the gross Sum thereof in a Book for that purpose, what the said Goods or other things amount unto, and shall forthwith demand and receive the several Rates or Assessments aforementioned, or certifie the Treasurer, or such other Collector or Receiver as is concerned therein.

VI. And in case of denial or delay of payment, the Collector Authorized as aforesaid, shall levy the same by distress upon the said Goods, at the Rate or price set in the Invoice, out of which he shall have *two shillings per pound* for his time and labour therein: And for the more full effecting hereof, the said Collector is impowred to require aid (if need be) as any Constable may in the like service, and no man may refuse to assist, upon the same penalty the Law in that case expresse.

VII. If any Invoice or Bill of Parcels shall be falsified, concealed, or not produced, of any Goods or other things imported as aforesaid, it shall be lawful for the Treasurer or Collector, with the Select Men of each Town therein concerned, to Rate all such Goods, or the Owner, or other Agent for the same, by Will and Doom, according to their best discretion; Provided it be not less then *four pounds per Tun*, as the same stands Entred in the Bill of Lading, in the Boatswain or other Officers Book.

VIII. It is further Ordered, in reference to all sorts of Cattle that are brought into this Jurisdiction, to be sold, killed or transported, that the Venders shall give a just and true account of all such Cattle so brought, to some one of the aforesaid Officers impowred to act herein, both in respect of number and kinde, and the same shall be entred in a Book; and the Owners of all such Cattle, or the person with whom they are trusted, before they are set to sale, killed or put on Board any Vessel for transport, shall pay for every Head as is expressed in the Law *tit. Charges Publick*, upon penalty of forfeiture of any such Beast, or the true value thereof, in whose hand soever found; the one half to the publick Treasury, the other half to the Informer.

IX. For all other sorts of Goods, Hides, Skins, Beaver, Peltry, Butter, Cheese, or other Merchandize or Provisions brought into this Jurisdiction by Land, the Owner, Factor, Agent, or other person intrusted, shall before any sale made, or before any putting on Board any Vessel for transport, or other disposal of the said goods, make a just and true Entry thereof, as is before provided concerning Goods imported by Sea, and to be *paid one penny in every twenty shillings*, the same to be paid in Money to the said Officer, under the penalty of forfeiture as aforesaid; the one third part to the Country Treasurer, one third part to the Informer, and one third part to the Collector.

X. The Country Treasurer for the time being, is hereby impowred and required duly to execute, or cause to be duely and fully executed this present Order in each particular part thereof; who is also impowred

and Authorized to depute and empower all such Officers under him, as he shall judge necessary for the accomplishment thereof, who upon Warrant to them directed under his Hand and Seal, shall attend the same: And the said Officer or Officers shall be accountable to the said Treasurer, when he shall call them thereunto.

XI. It is also Ordered, That such Goods or other things as upon importation shall by this Order be paid for, shall not again for that year be Rated, whilst they remain in the hands of them that so paid for them.

XII. In case the Treasurer or any Officer under him, shall finde any great difficult or doubtful case in the execution of this Order, they shall repair to the Governour and Council, or so many of them as can conveniently assemble, provided the number be not less then five, who are hereby impowred to give such Order and Directions for removing Obstructions, as the major part of them shall judge expedient, for the effectual prosecution of this Order.

And the Order Respecting Customes, made *October 1668.* is hereby Repealed.

And it is Ordered further, That this present Law be in force forthwith, upon the ending of this present Sessions, and forthwith publish in *Boston* and *Charlstown*.

It is Ordered by this Court, that this shall be the Seal of the Treasurers Office.



Although there are several Orders made by this Court, concerning the receiving of the Rates of Goods Imported, yet it is found by experience, that it falls short of attaining the full end intended: For prevention of the defrauding of the Officer who is appointed to Collect the same;

Law to prevent
the defrauding
of the Officer
for Customes

It is hereby Ordered, as an Addition to what the Law hath provided in this case, that all Masters of Ships or other Vessels, coming into our Ports with any Goods Rateable according to Law, shall keep in their Custody all such Goods, till they receive an Order from the Collector to deliver the same, or in defect thereof to pay unto the said Officer the full value of the Rate appointed by Law. [1670.]

Three Questions
resolved.

Whether the revenue arising by Rate or Custome of Goods Imported, as also Powder paid by Shipping belonging to Strangers and brought into the River of *Pascataqua*, is to be returned to the Publick Treasury of this Country? This Question is Resolved by the whole Court on the Affirmative.

Whether the Money already Collected in *Pascataqua* River, viz. by Customes

Customes or Rate on Goods Imported, &c. and for Powder paid by shipping, that is, what hath been received from Strangers, and such as are not Inhabitants of the said River, is to be returned to the publick Treasury of this Country; this Question also was resolved on the Affirmative by the Court.

Whether the Revenue arising by the Rate or Custome layd on Goods Imported, belonging to the Inhabitants of *Pascataqua River*, which is brought into the said River, is to be paid into the Country Treasurer; This Question is Resolved in the Negative by the whole Court. [1671.]

IMPRESSES.

IT is Ordered by this Court and the Authority thereof; That in all publick works of this Common-wealth, one Magistrate and the overseer of the work, shall have power to send their Warrants to the Constables of the next Towns, to send so many Labourers and Artificers as the warrant shall direct, which the Constable and two other or more of the Freemen, which he shall chuse, shall forthwith execute for which service, such Magistrate and Overseer aforesaid, shall have power to give such Wages as they shall judge the Work to deserve; Provided that for any ordinary work, no man shall be compelled to work from home above one week together.

L. i. p. 9.

Labourers pressed for any publick work

2. It is also Ordered, That no man shall be compelled, to any Publick work or service, unless the press be grounded upon some act of the General Court, and have reasonable allowance for the same, nor shall any man be compelled in Person to any Office, Work; Warrs, or other publick service, that is necessarily and sufficiently exempted, by any natural or personal impediment, as by want of years, greatness of years, defect of minde, failing of senses; or impotency of Limbs:

Persons free for defect

Nor shall any man be compelled to go out of this Jurisdiction upon any offensive Wars, which this Common wealth, or any of our Friends or Confederates, as shall voluntarily undertake, but only upon such vindictive and defensive Wars in our own behalf or the behalf of our Friends and Confederates as shall be enterprized by the Council and consent of a General Court, or by Authority derived from the same.

Cattle and other goods damaged in the Country service to be made good

Nor shall any mans Cattle or Goods of what kinde soever, be Pressed, or taken for any Publick use or service, unless it be by Warrant, grounded upon some Act of the General Court; Nor without such reasonable Prizes and Hire, as the ordinary Rates of the Country do afford, and if his Cattle or Goods shall perish or suffer damage in such service, the Owner shall be sufficiently recompenced. [1641.]

IMPRISONMENT.

Who Baylable:

IT is Ordered and by this Court Declared, That no Mans Person shall be Restrained or Imprisoned by any Authority whatsoever, before the Law hath Sentenced him thereto, if he can put in sufficient Security, Baile or Mainprize, for his appearance and good Behaviour in the mean time, unless it be in Crimes Capital, and Contempt in open Court, and in such Cases where such express Act of Court doth allow it. [1641.]

INDIANS.

A. 52. p. 16.

Indians Title to Land.

FOR settling the Indians Title to Lands in this Jurisdiction;

It is Declared and Ordered by this Court and Authority thereof, That what Lands any of the Indians in this Jurisdiction have possessed and improved, by subduing the same, they have just right unto, according to that in *Gen. 1. 28. & chap. 9. 1. & Psal. 115. 16.*

Civil Indians to have Land granted them.

And for the further encouragement of the hopeful work amongst them, for the Civilizing, and helping them forward to Christianity; If any of the Indians shall be brought to Civility, and shall come among the English to Inhabit, in any of their Plantations, and shall there live Civilly and Orderly;

That such Indians shall have Allotments amongst the English, according to the Custome of the English in like case.

Further it is Ordered, that if upon good experience, there shall be a competent number of the Indians brought on to Civility, so as to be capable of a Township, upon their request to the General Court, they shall have graunt of Lands undisposed of, for a Plantation as the English have.

Indians not to be dispossessed

And further it is Ordered by this Court, that if any Plantation or Person of the English, shall offer injuriously to put any of the Indians from their Planting grounds, or Fishing-places, upon their complaint and proof thereof, they shall have relief in any of the Courts of Justice amongst the English, as the English have.

And further it is Ordered by this Court and the Authority thereof, and be it hereby Enacted, That all the Tract of Land within this Jurisdiction, whether already granted to any English Plantations or Persons, or to be granted by this Court (not being under the qualification of Right to the Indians) is, and shall be accounted the just Right of such English as already have, or hereafter shall have Graunt of Lands from this Court, and the Authority thereof; from that of *Genesis 1. 28.* and the Invitation of the Indians.

L. 1. p. 28.

2. And it is Ordered, That no Person whatsoever, shall henceforth buy

buy Land of any Indian without License first had and obtained of the General Court, and if any offend herein, such Land so bought shall be forfeited to the Country.

None to buy
Land of Indians

Nor shall any person, sell, give or Barter, directly or indirectly, any Gun or Guns, Powder, Bullets, Shot, Lead to any Indian whatsoever, or to any person Inhabiting out of this Jurisdiction: Nor shall any amend or repair any Gun belonging to any Indian, nor shall sell any Armour or Weapons, upon penalty of ten pounds for every Gun, Armour or Weapons so sold, given or Bartered, five pounds for every pound of Powder, forty shillings for every pound of Shot or Lead, and proportionably for any greater or lesser quantity. [1633. 37.]

no arms or ammunition to be traded with the Indians.

FOR Explanation of the Law, tit. Indians;

This Court doth Declare the Prohibition there exprest, Referring to the purchase of Indian Land without Licence from this Court, is to be understood, as well Graunts for term of years as for ever, and that under the same penalty, as in the said Law is exprest. [1665.]

3. Whereas the French and Dutch and other forreign Nations do ordinarily Trade Guns, Powder, Shot, &c. with Indians, to our great prejudice and strengthening and animating the Indians against us; And the aforesaid French, Dutch &c. do prohibit all Trade with the Indians within their respective Jurisdictions, under penalty of Confiscation, &c.

L.2. p. 13.

It is therefore Ordered; That it shall not be lawful for any Frenchman, Dutchman, or any person of any other Forreign Nation whatsoever, or any English dwelling amongst them, or under them, or any of them, to Trade with any Indian or Indians within the Limits of our Jurisdiction, directly or indirectly by themselves or others, under penalty of Confiscation of all such Goods and Vessels as shall be found so Trading, or the due value thereof, upon just proof of any Goods or Vessels, so Trading or Traded.

Forreigners prohibited Trade with our Indians

And it shall be lawful for any person or persons, Inhabiting within this Jurisdiction, to make seizure of any such Goods or Vessels Trading with the Indians; one half whereof shall be for the proper use and benefit of the party seizing, and the other half to the Country.

4. And because the Trade of Furrs with the Indians in this Jurisdiction, doth properly belong to this Common-wealth, and not unto particular persons;

A. 57. p. 22.

It is therefore Ordered, That henceforth no Person or Persons, directly or indirectly, shall Trade with the Indians for any sort of Peltry, excepting only such as are Authorized by this Court, or by such Committee as this Court shall appoint from time to time, under the penalty of one Hundred pounds fine for every offence, ten pound whereof shall be to the Informer, the rest to the Country.

None to Trade furrs with Indians without license under penalty of 100 li.

5. Whereas several Orders for the preventing of Drunkenness amongst the Indians have been made, yet notwithstanding there is little or no reformation: For the prevention thereof, and the frequent effects thereof, Murder and other outrages amongst them;

A. 52. p. 24.

This Court doth Order, that no person of what quality or condition

Strong Liquors
prohibited to be
sold or given to
Indians on pe-
nylty of 40.s.
per pint

soever, shall henceforth Sell, Truck, Barter, or give any strong-Liquors to any Indian, directly or indirectly, whether known by the name of Rum, strong-Waters, Wines, strong-Beer, Brandy, Cyder, Perry, or any other strong-Liquors, going under any other name whatsoever; under the penalty of *forty shillings* for one pint, and so proportionably for greater or lesser quantities to Sold, Bartered or Given, directly or indirectly as abovesaid.

And for the better execution of this Order;

All Trucking Houses erected (not allowed by this Court) shall be forthwith demolished.

And for the better effecting of this Order;

It is Declared that one third part of the penalty, shall be granted to the Informer.

It is also Ordered, that special care shall be had by the Grand jury, of every Shire Court, to inquire and present to the Court what they finde, to discover matter tending to such practise, against the true intent of this Law:

And all other Orders giving liberty to sell strong Liquors to the Indians, are hereby Repealed; and all Licenses formerly granted, are hereby disabled and called in; Provided alwayes, that it is not intended that this Law shall extend to restrain any person from any charitable act, in relieving any Indian (*bona fide*) in case of suddain extremity, by sickness or fainting, which calls for such help, not exceeding one dram, nor when any Physitian shall prescribe in way of Phyick any of the particulars before-mentioned; so as upon sight of his direction in writing, there be allowance had under the hand of one Magistrate, or where no Magistrates in the Town residing, being under the hands of the Town Commissioners or two of them. [1657.]

Except in case
of sickness, &c.

A. 56. p. 18.

6. This Court considering the necessity of restraining the Indians from whatsoever may be a means to disturb our peace and quiet;

No Boats to be
sold to Indians

Doth Order, That henceforth no person or persons Inhabiting within this Jurisdiction, shall directly or indirectly any wayes give, sell, barter or otherwise dispose of any Boat, Skiffe, or any greater Vessel unto any Indian or Indians whatsoever, under the penalty of *fifty pounds*, to be paid to the Country Treasurer, for every such Vessel so sold or disposed as abovesaid. [1656.]

L. 1. p. 23.

Damage done to
Indians in their
Corn to be satis-
fied.

7. It is Ordered by this Court, That in all places within this Jurisdiction, the English shall keep their Cattle from destroying the Indians Corn, in any ground where they have right to plant, and if any of their Corn be destroyed for want of Fencing or Hearingd; the Town shall make satisfaction, and shall have power among themselves, to lay the charge where the occasion of the damage did arise; Provided that the Indians shall make proof, that the Cattle of such a Town, Farm or Person did the damage.

And for encouragement of the Indians, towards the Fencing in of their Corn-fields;

Help Ind Fence
their Ground.

Such Towns, Farms, or Persons, whose Cattle may annoy them that way, shall Direct, Assist and help them, in selling of Trees, riving and sharpening Rails, and holing of Posts; allowing one English-man to three or more Indians; And shall also draw the fencing into place for them, and allow one man a day or two, towards the setting up the same, and either lend or sell them Tools to finish it; Provided, that such Indians to whom the Country, or any Town, have given, or shall give Ground to plant

plant upon, or shall purchase ground of the English, shall Fence such their Corn Fields or Ground, at their own charge as the English do or should do:

And if any Indian refuse to fence their Corn Ground (being tendred help as aforesaid) in the presence and hearing of sufficient witnesses, they shall keep off all Cattle, or lose their damages.

And it is also Ordered, that if any harm be done at any time by the Indians unto the English, in their Cattle; the Governour or Deputy Governour with two of the Assistants, or any three Magistrates, or any County Court, may order satisfaction according to Law and Justice. [1640. 48.]

Indians to pay
for hurt done to
Cattle

8. Whereas one end in planting these parts was to propagate the true Religion unto the Indians, and that divers of them are become subject to the English, and have engaged themselves to be willing and ready to understand the Law of God;

It is therefore Ordered, That such necessary and wholesome Laws which are in force, and may be made from time to time, to reduce them to civility of life, shall be once a year (if the times be safe) made known to them, by such fit persons as the General Court shall appoint.

Laws to be pub-
lished to the In-
dians

9. For the better Ordering and Governing the Indians subject to us, especially those of Natick and Punquepaog;

A. 58.

It is Ordered that whomsoever the Court shall appoint, do take care that all such Indians do live according to our Laws, as far as they are capable, and to that end shall be Authorized to constitute and appoint Indian Commissioners in their several Plantations, to hear and determine all such matters that do arise amongst themselves as one Magistrate may do amongst the English, with Officers to execute all Commands and Warrants, as Marshal and Constables.

And further they jointly shall have the power of a County Court, to hear and determine all causes arising among them, the English Magistrate appointing the time and place of the Court, and consenting to the determination or judgement, and all other matters beyond their cognizance shall be issued and determined by the Court of Assistants.

Courts to be
kept among the
Indians.

10. And it is Ordered, that no Indian shall at any time Powaw or perform outward worship to their false Gods, or to the Devil, in any part of our Jurisdiction, whether they be such as shall dwell here or shall come hither; and if any shall transgress this Law, the Powawer shall pay five pounds, the procurer five pounds, and every other countenancing by his presence or otherwise (being of age, of discretion) twenty shillings, and every Town shall have power to restrain all Indians that shall come into their Towns from prophaning the Lords day. [1633, 37, 40, 41, 42, 46, 48, 56, 57, 58.]

Powaws forbid-
den.

Towns to re-
strain Indians
from prophaning
the Sabbath

Whereas the sin of Drunkenness amongst the Indians doth much increase, notwithstanding the Laws provided against that crying sin;

order to prevent
Drunkenness in
Indians

This Court doth therefore Order, that any person or persons, that shall see, know or finde any Indian with any strong Liquors, Wine or strong Drink, that such Indians have any way gotten without Order as the Law directs, shall have power to seize the same, and to deliver the said strong-Drink to the Constables of the Town or Place where such Indians are found, with their persons to be conveyed before some Magistrate or Commissioner, who have

Their strong Li-
quors &c. to be
seized by any
person

power to deal in such cases; and such Indians as are found Drunk, being apprehended, and will not confess how or where they had the said Wine, Liquors, or strong Drink, shall be secured or imprisoned until they make a just acknowledgement where they had their Drink aforesaid, or committed to the House of Correction, and there labour to discharge the charge of their provision.

Their accusation
against persons to
be evidence un-
less the party
clear himself on
Oath, &c.

And if any such Indian do accuse any person for selling or delivering strong Drink unto them, such Indian accusation shall be accounted valid against any such person accused; except such persons shall clear themselves by taking their Oath to the contrary, any Law or Custom to the contrary notwithstanding.

If Drunk to pay
ten shillings or
be whipt with
ten stripes, &c.

And it is also further Ordered, that whatsoever Indian shall hereafter be taken Drunk, shall pay the sum of *ten shillings* or else be whipt, by laying on *ten stripes*, according to the discretion of the Judge, whether Magistrate or Commissioner who shall have cognizance of the case: And in all Towns where no Magistrate or Commissioners are, such Cases shall be judged by the Select men or major part of them. [1666.]

Trade with Indi-
ans for peltry &
Ammunition regu-
lated.

Every allowed
Trader paying
to the Country
Treasurer feve-
ral sums appoin-
ted, &c.

It is Ordered by this Court and the Authority thereof, That henceforth every person that is or shall be allowed by the Treasurer of the Country to Trade Peltry or Skins with the Indians, shall have liberty to sell unto any Indian or Indians, not in Hostility with us, or any of the English in *New-England*, Powder, Shot, Lead, Guns, (*i. e.*) Hand Guns, Rapier or Sword blades; Provided he or they pay unto the Country Treasurer every half year in money, *sixpence* a pound for every pound of Powder, *sixpence* for every *ten* pounds of Shot or Lead, *three shillings* for every Gun, *three shillings* for every dozen of Rapier or Sword blades, and so proportionably for any quantity that he or they shall sell to any Indian or Indians; and every such person allowed to Trade as aforesaid, shall upon Oath deliver to the Treasurer a true and just account of the particulars of the abovementioned Commodities, by him or them sold unto any Indian or Indians.

And it is further Ordered, that any person allowed as before, that shall be convicted before any two Magistrates or County Court, of selling or bartering any of the forementioned Commodities unto any Indian, whereof he or they have not given a true and just account, and made due payment unto the Treasurer as is above expressed; every such person or persons shall forfeit to the publick Treasury, *five pounds sterling* for every pound of Powder, *five pounds* for every *ten* pounds of Shot or Lead, *ten pounds* for every Gun great or small, and *ten pounds* for every dozen of Rapier or Sword blades, and so proportionably for any quantity of the aforesaid Commodities sold or bartered by him or them to any Indian or Indians: and all persons except such as are allowed, are hereby prohibited from selling any of the forementioned Commodities unto any Indian or Indians, upon the penalty expressed in the Law, *tit. Indians, Sect. 2.* And this Order to continue in force during the Courts pleasure; any Law or Order to the contrary notwithstanding. [1668.]

INDITEMENTS.

IT is Ordered by this Court; That no person shall be Indited, Pre^{sen}ted, *A. 52 p. 16.*
 Informed against, or Complained of to any Court or Magistrate within
 this Jurisdiction, for the breach of any penal Law, or any other misde-
 meanour, the forfeiture whereof belongs to the Country, unless the said
 Inditement or Complaint, be made and exhibited within one year after
 the offence be committed; and if any such Inditement, Presentment, In-
 formation or Complaint be not made within the time limited, then the
 same shall be void and of none effect:

Complaints and
 Presentments to
 be made within
 a year.

Provided always, this Law shall not extend to any Capital Offences,
 nor any Crimes that may concern loss of Member or Banishment, or to
 any Treasonable Plots or Conspiracies against the Common-wealth, nor to
 any Felonies above *ten shillings*, nor shall it hinder any person grieved,
 or that hath any wrong done to him or his Wife, Children, or Servants,
 or Estate, real or personal, but that every such person shall have such
 remedies as formerly he might or ought to have. [1652.]

In-keepers, Ordinaries. Tipling, Drunkenness.

FOrasmuch as there is a necessary use of Houses of Common Entertainment
 in every Common-wealth, and of such as Retail Wine, Beer and Vi^{su}als,
 yet because, there are so many abuses, both by persons entertaining and by persons
 entertained;

It is therefore Ordered by this Court and Authority thereof; That no
 person or persons shall at any time, under any pretence or colour what-
 soever, undertake to be a Common Vi^{su}aller, Keeper of a Cooks shop,
 or House for Common Entertainment, Taverner, or publick Seller of Wine,
 Ale, Beer, or Strong-waters by Retail, (nor shall any sell Wine privately
 in his House, or out of doors, by a less quantity then Quarter Cask)
 without approbation of the Selected Townsmen, and Licen^{se} of the Coun-
 ty Court where they dwell, upon pain of forfeiture of *five pounds* for eve-
 ry such offence, or Imprisonment at the pleasure of the Court. *A. 58.*

None to keep
 Ordinaries with-
 out Licen^{se}

Provided, it shall be lawful for any whole sale Merchant of Wines, or
 the present Stillers of Strong-waters, being Masters of Families, or such
 as receive the same from foreign parts in Cases, &c. or makers of Cyder
 to sell by Retail; Provided the quantity of Wine and Cyder, be not less
 then three Gallons at a time to one person, nor Strong-waters less then a
 quart; and that it be only to Masters of Families of good and honest re-
 port, or persons going to Sea; and they suffer not any person to drink
 the same in their Houses, Cellars or Yards.

Liberty to sell
 Wine & Strong-
 waters by retail

And every person so Licensed for Common Entertainment, shall have
 some inoffensive Sign, obvious for direction of Strangers, and such as have

Ordinaries
 have Signs

no such Signe after three Months so Licensed, shall lose their License, and others be allowed in their stead.

L. 2. p. 13.

A. 51. p. 4.

A. 53. p. 19.

To be alwayes
provided with
strong Beer 2. d.
per quart

2. And every person Licensed to keep an Ordinary, shall alwayes be provided of Strong Wholsome Beer, of four Bushels of Malt (at the least) to a Hoghead, which he shall not sell at above *two pence* the Ale quart, upon penalty of *forty shillings* for the first offence, and for the second offence to lose his License.

And it is permitted to any that will, to sell Beer out of doors, at *one penny* the Ale quart or under.

VV Hereas the Law tit. In-keepers, Sect. 2. hath provided, that every person Licenced to keep an Ordinary, shall alwayes be provided of strong wholsome Beer, of four Bushels of Malt at the least to a Hoghead, which was Intended, and is hereby Declared to be of good Barly Malt, not to be sold for above *two pence* the Ale quart, on penalty as in the said Law is expressed, notwithstanding which, many keepers of Inns and Ordinaries as regards of the said Law, or of the debasing of the produce of the Country, take liberty to make and sell Drink Breued of, or mixed with Melasses, course Sugar, or other Materials, to the damage, just offence and prejudice of sundry persons;

Four Bushels of
Barly Malt in a
Hoghead

It is therefore Ordered by this Court and the Authority thereof, that no person Licensed as aforesaid, shall after publication hereof, sell or any wayes utter any Beer, Ale or Drink instead thereof, by Retail, that is not made altogether of good Barly Malt, without any mixture of Melasses, course Sugar or other Materials instead of Malt, on penalty of *five pounds* for every such offence, one half to the Informer, the other half to the County where such offence shall be committed; besides the penalties in the former recited Law expresses, on Complaint to any Magistrate, County Court or Commissioner for Boston, unless the party complained of, shall legally prove his or her Innocency therein, in which case, it shall be in the liberty of the Authority as aforesaid, to accept the Oath of such person if tendred to him or them, if they see cause: And the Authority aforesaid, are hereby impowred to hear and determine such Complaints; any Law, Custome or Usage to the Contrary notwithstanding. [1667.]

L. 1. p. 30.

Not to permit
any to be Drunk
&c.

3. And no Licensed person as aforesaid, shall suffer any to be Drunk, or to Drink Excessively, viz. above half a pint of Wine for one person at a time, or to continue Tipling above the space of half an hour, or at unseasonable times, or after nine of the Clock at night, in, or about any of their Houses, on penalty of *five shillings* for every such offence.

L. 2. p. 6.

Not to conceal
Drunkards

And if any person Licensed to sell Wine or Beer as aforesaid, shall conceal in his House any person that shall be found Drunken, and shall not forthwith procure a Constable to carry such Drunken person before some Magistrate or Commissioner, and in the interim, the said Vintner or Drawer of Beer, shall make stay of such persons till the Constable shall come, under the penalty of *five pounds*, for every default.

L. 1. p. 30.

4. And every person found Drunken, viz. so as he be thereby bereaved or disabled in the use of his understanding, appearing in his speech
or

or gesture, in any of the said Houses or elsewhere, shall forfeit *ten shillings*, and for excessive Drinking *three shillings four pence*, and for continuëing above half an hour Tipling *two shillings six pence*, and for Tipling at unreasonable times, or after nine of the Clock at night *five shillings* for every Offence in those particulars, being lawfully convicted thereof, and for want of payment, they shall be imprisoned till they pay, or be set in the Stocks one hour or more (in some open place) as the Weather will permit not exceeding three hours.

Drunkennes.
Tipling the Pen-
alty

L. 2. p. 6.

5. And if any person be found Drunken, by night or by day, or shall in his Drunkennes offer any abuse to the Constable or others, either by striking or reviling him or them, or using any endeavours by himself or others to make an escape, it shall be in the power of the Constable to commit such person or persons to safe keeping or imprisonment, or take Bond for his appearance, as he shall see cause; and the Keepers of each Prison, upon Warrant from any Magistrate, or Commissioner, or Select men, shall receive all such as shall be so committed, and take but *twelve pence* for his fee in such cases.

Drunkards abu-
sing the Constable
to be com-
mitted

And the Constable shall inform the next Magistrate thereof, but if no Magistrate be in Town, he shall convent such person or persons before one or more of the Commissioners for ending small causes, and where no Commissioners are, before any one or more of the Select men of the Town, who have power given them to do as any one Magistrate may do in like case; Provided nevertheless, if any such Delinquent shall confess his fault, and pay his fine and other charges, the Constable shall receive it and dismiss the offender, and every person hereby Authorized to receive the fines aforesaid, shall forthwith make return to the Treasurer of the County where such offence is committed, of what he hath done and received in such cases.

Convented be-
fore some Magis-
trate, Commissioner or
Select men

6. It shall be lawful notwithstanding, for all Licensed persons to entertain Land-travellers or Sea-faring men in the night season, when they come on shore or from their journey for their necessary refreshment, or when they prepare for their voyage or journey the next day early, so there be no disorder among them, and also Strangers, Lodgers or other persons in an orderly way, may continue in such Houses of Common Entertainment during meal times, or upon lawful business what time their occasion shall require.

E. 1. p. 30.

Travel presented
tamed for a
night

7. Nor shall any Merchant, Cooper, Owner or Keeper of Wines, or other persons that have them in their custody, suffer any person to drink to Excess or Drunkennes in any of their Wine-sellers, Ships or other Vessels, or places where Wines do lye on pain to forfeit for each person so doing, *ten shillings*.

Wine merchant
Coopers &c. not
to permit any to
be Drunk

Nor shall any person Licensed to sell Strong waters, or any private House-keeper permit any person or persons to sit Drinking or Tipling Strong-waters, Wine or Strong Beer in their Houses. And if any such Seller of Strong-waters or private Housekeeper, shall be legally convicted before any County Court, any one Magistrate or Commissioners Court, such persons shall for the first offence be fined *twenty shillings*, and if the party so convicted be not able to pay his fine, he shall be set in the Stocks, where he shall continue one whole hour, and if any such Seller of Strong-waters shall be convicted as aforesaid of a second Offence of the same nature, he shall forfeit his License, and shall also pay *twenty shillings* as a fine to the Country, and if any private Housekeeper, shall be convicted as aforesaid of a second Offence against this Law, he shall pay a fine of *five pounds*,

A. 54. p. 2.

Private House-
keepers not to
permit any to
tiplie in their
Houses

First offence

Second offence
5. li.

third offence
good behaviour.

and for a third offence, such person or persons being so convicted, shall be bound to their good Behaviour in *twenty pound* Bond, with two sufficient Sureties, or be committed to Prison.

L. 1. p. 30.

8. And if any person offend in Drunkenness, excessive or long Drinking the second time, they shall pay double fines.

Drunk the second time
double fine

And if they fall into the same offence the third time, they shall pay treble the fines; and if the parties be not able to pay the fines, then he that is found Drunk shall be punished by whipping, to the number of *ten stripes*; and he that offends in excessive or long Drinking, shall be put into the Stocks for three hours, when the weather may not hazard his life or limbs.

fourth time imprisonment

And if they offend the fourth time, they shall be imprisoned until they put in two sufficient sureties for their good Behaviour.

Inkeepers convicted of a third offence

forfeit their Licence

9. And it is further Ordered, That if any person that keepeth or hereafter shall keep a common house of Entertainment, shall be lawfully convicted the third time, for any offence against this Law, he shall (for the space of three years next ensuing the said conviction) be disabled to keep any such house of Entertainment, or sell Beer, or the like, unless the Court aforesaid, shall see cause to continue him.

Provision for Horics

10. It is further Ordered, that every In-keeper or Victualler, shall provide for the entertainment of Strangers Horses, viz. one or more Inclosures for Summer; Hay and Provender for Winter, with convenient Stable-room and Attendants, under the penalty of *two shillings six pence* for every dayes default, and double damage to the party thereby wronged, except it be by inevitable accident.

Vintners to pay
50. s. per Butt

11. And it is further Ordered by the Authority aforesaid; That no Taverner, Seller of Wine by Retail Licensed as aforesaid, shall take above *nine pound* profit by the Butte or Pipe of Wine, (and proportionably for all other Vessels) towards his waste in drawing and otherwise, out of which allowance, every such Taverner or Vintner, shall pay *fifty shillings* by the Butte or Pipe, and proportionably for all other Vessels to the Country; for which they shall account with the Treasurer or his Deputy every six Months and discharge the same, all which they may do by selling *six pence* a quart in Retail (which they shall no time exceed) more then it cost by the Butt: Besides the benefit of their Art and Mystery which they know how to make use of.

To give notice
to the Treasurer
what Wine they
buy

And every Taverner or Vintner shall give a true account and notice unto the Treasurer or his Deputy, of every Vessel of Wine he buyes from time to time within three dayes, upon pain of forfeiting the same or the value thereof, the one half to the Country, the other half to the Treasurer and Informer.

A. 58.

And it is Ordered, that the said Impost, shall from time to time be paid in Wines at Merchantable price, or other equivalent Merchantable good pay, to the content of the Treasurer, and that the Treasurer shall take special care in collecting the same; who is hereby impowred to substitute such Deputies under him as he shall see meet in the several Towns for his help and furtherance herein; for all which pains and care, he shall be allowed *two shillings* in the pound of all such Imposts as he shall bring into his Annual account with the Country.

Treasurer to
have 2. s. per li.
of this Impost

Provided alwayes, that if any Vintner, Taverner or Retailer of Wines, shall

shall give an account to the Treasurer of any part of any Wine entered as abovesaid, that he hath sold away again by whole-sale, being no less in quantity then a Quarter Cask to one person at one time, and shall truly certify the person who had it, and the time when; such person or persons shall be abated of their Impost, in proportion to what they have sold.

Sellers of strong water to give notice to the Marshal within 3 dayes

And all such as Retail strong Waters, shall in like manner pay *two pence* upon every quart to the use of the Country, who shall also give notice to the Marshal General of every Case and Bottle, or other quantity they buy within three dayes, upon pain of forfeiture as before.

12. And it is Ordered; That in all places where Week day Lectures are kept, all Taverners, Victuallers and Ordinaries, that are within one mile of the Meeting-house to which they belong, shall from time to time clear their Houses of all persons able to go to Meeting, during the time of the exercise, (except upon extraordinary cause, for the necessary refreshing of Strangers unexpectedly repairing to them) upon pain of *five shillings* for every such offence, over and besides the penalties incurred by this Law for any other disorder.

L. 2. p. 37.

Ordinary keeper to clear their houses in meeting time

13. It is also Ordered, That all offences against this Law, may be heard and determined by any one Magistrate, who shall hereby have power by warrant to send for, and examine parties and witnesses concerning any of these offences: and upon due conviction either by view of the said Magistrate, or Affirmation of the Constable, and one sufficient witness with circumstances concurring, or two witnesses, or confession of the party, to leavy the said several fines, by warrant to the Constable for that end.

One Magistrate to hear & determine all offences against this Law

And if any person shall voluntarily confess his offence against this Law in any the particulars thereof, his Oath shall be taken in evidence and stand good against any other offending at the same time.

Delinquent: To Ransome

14. It is further Ordered by the Authority aforesaid, That all Constables may, and shall from time to time, duly make search throughout the limits of their Towns upon Lords dayes and Lecture dayes in times of exercise; and also at all other times so oft as they shall see cause, for all Offences and Offenders against this Law, in any the particulars thereof.

Constable to search in Ordinaries

And if upon due Information or Complaint, of any of their Inhabitants or other credible persons, whither Taverner, Victualler, Tabler or other, they shall refuse or neglect to make search as aforesaid, or shall not to their power perform all other things belonging to their place and office of Constable, then upon complaint and due proof before any one Magistrate, within three Months of such refusal or neglect, they shall be fined for every such offence *ten shillings*, to be leavied by the Marshal as in other cases by Warrant from such Magistrate before whom they are Convicted or Warrant from the Treasurer upon notice from such Magistrate.

Constab. neglect

Fined 10. s.

15. And because it is difficult to Order and keep the Houses for publick Entertainment in conformity to the wholesome Laws established, as is necessary for preventing Drunkenness, excessive Drinking, vain Expences of money, Time; and the abuse of the good Creatures of God;

A. 57. p. 21.

It is therefore Ordered by this Court and the Authority thereof, That no person or persons hereafter shall be Licensed to keep a House of Common entertainment for any longer then one year at one time, and that such as keep Houses of publick entertainment, (the present Vintners during their contract excepted) shall and hereby are enjoyned once every

Ordinaries to renew their Licenses yearly

year, to repair to the several County Courts for renewing their several Licences (for which they shall pay *two shillings six pence* to the Clerk of the Court) or else they shall forfeit *five pounds* as unlicensed Ale-house-keepers. [1645, 46, 47, 48, 51, 53, 57, 58.]

None to Still or
Retail Liquors
without License.

Upon complaint of the great abuses that are daily committed by the Retailers of Strong-waters, Rhum, &c. both by the Stillers thereof, and such as have it from forraigne parts;

This Court do therefore Order, that henceforth no person or persons shall practise the Craft of Stillling Strong waters, nor shall sell or Retail any, by less quantities then a Quarter Cask, and the same to be delivered not at several times or in several parcels, but at one time, without Covin or Fraud, excepting only such as shall be allowed Annually by the County Courts respectively, on penalty of *five pounds* forfeiture for every time that any person or persons shall be legally convicted thereof; any Law, Usage or Custome, or former Licencies to the contrary notwithstanding.

Provided alwayes, this Law shall not prohibit such Merchants as have Strong liquors from forreigne parts in Cales, from selling the same by the whole Cask, either to such as are going to Sea, or to Masters of Families of good report. [1661.]

THis Court being sensible of the great increase of prophaneſs among us, especially among the younger sort, taking their opportunity of meeting together in places of publick Entertainment, to corrupt one another by their uncivil and wanton carriage, rudely singing and making a noise, to the disturbance of the Family and other Guests if any be in the House;

Penalty for rude
singing in Ta-
verns

This Court do therefore Order and hereby Enact, That no person or persons whatsoever, do presume either in Word or Deed to carry it uncivilly, or wantonly, singing rudely, or making a noise to the disturbance of the Family, or any other Guests in any place of Publick Entertainment, on penalty of paying *five shillings* for every offence against this Law, being therefore legally Convicted before any Court, Magistrate or Commissioner:

And where sundry persons are in the same company, where any such rude and uncivil carriages are acted, and the particular person or persons unknown, every of the said persons shall be liable to the like penalty, unless they can attest their innocency, and do freely give in their testimony against the nocent.

And if any person allowed to keep a house of publick Entertainment shall suffer such carriages by any person or persons, and not legally prosecute the same before Authority, on legal conviction thereof, before the County Court of whom they had their License, they shall be debared of any further renewal thereof. [1664.]

AS an Addition to the Law, tit. In-keepers;

It is Ordered by this Court and the Authority thereof, That where any person or persons whatsoever, shall presume to keep an House of publick

publick Entertainment, Ordinary, Cooks shop, or shall by Retail sell Wine, strong Beer, Liquors or Cyder, without License first had and orderly obtained; or having had License, and not renewed as the Law requireth, or being discharged for any misdemeanour committed, or suffered to be done in their Houses, or in or about the same: It shall be lawful for any Court or Magistrate, on complaint made to them of such Misdemeanour, to send for such person or persons before them, and being legally convicted of any the abovesaid offences, besides the penalty, to require Bond, with sufficient Sureties for the good Abbearence of such person or persons, and in special for their observance of the said Law: And in case of Refusal to give such Bond with Sureties as is required; the Court or Magistrate that hath cognizance of such Complaint, shall commit such person or persons convicted as abovesaid to Prison, until the next Court of that County. [1665.]

VV Hereas this Court hath made severall Laws and Orders for the prevention of the sin of Drunkenness, and mispending precious Time and Estate; and yet notwithstanding great complaint is made of several persons spending their Time and Estate by Drinking and Tipling in Taverns and Ale-houses, to the great dishonour of God, and prejudice of their Families; For the prevention whereof,

It is Ordered by this Court and the Authority thereof, That the Select men of each Town shall be, and are hereby required and impowred to take special care and notice of all and every person and persons transgressing as abovesaid, and thereupon to require him or them to forbear the frequenting of such Houses or Taverns: and if any person shall after such warning given him, be found in any such House of Entertainment, and be legally convicted thereof, before any one Magistrate or Commissioner, he shall forfeit five shillings, to be paid to the Treasurer of that Town for every such Offence, or sit in Stocks as the Judges shall see meet.

For prevention
of Drunkenness

And it is further Ordered, That the Select men shall also give notice to the keepers of such Publick Houses, that they suffer no such noted person in any of their Houses, upon the penalty of twenty shillings for every such default, to be paid to the Treasurer as aforesaid. [1670.]

Judgements and Executions.

VV Hereas there is a great abuse in selling of Judgements and Executions, and so altering the property of them before they be satisfied, or Goods seized, whereby great inconvenience may arise, as experience hath proved;

A. 14.

This Court doth therefore Order, That after the end of this Session, no person shall sell, Alienate or Assigne any Judgement or Execution whatsoever, and if any shall presume to Act contrary to this Order, his Sale, Assignment or Alienation shall be void in Law; and in case the party die after the Judgement

Judgements and
Executions not
to be sold

T

before

before he hath taken out an Execution, or before satisfaction be received; his Executor or his Administrator shall take out or renew the Execution, as the party deceased might have done.

JURORS. JURIES,

L. 2. p. 5.

Clerk to grant
warrant for Ju-
rors

Chosen by the
Freemen

Constables to re-
turn the warrants

IT is Ordered by this Court and the Authority thereof; that the Secretary or Clerk of every Court, shall in convenient time before the sitting of the Court, send Warrants to the Constables of the several Towns of the Jurisdiction of that Court, for Jury-men proportionable to the Inhabitants of each Town: And the Constable upon the receipt of such Warrant, shall give timely notice to the Free men of their respective Towns, to chuse so many able, discreet men as the Warrant shall require, which men so chosen, he shall warn to attend the Court whereto they are appointed, and shall make return of the Warrant unto the Clerk afore-said.

A. 51. p. 5.

L. 2. p. 8.
Juries at special
Courts allowed
4 s. per diem.

The like Order shall be observed in the choice and summoning juries to attend special Courts:

At which Courts every Jury-man shall be allowed *four shillings per diem* for their charges, and to be paid by him upon whole motion the Court was granted.

L. 1. p. 32.

Jury to finde ac-
cord. to Eviden.

Bench to deter-
mine matter of
equity

And all Juries serving at the Court of Assistants at Boston, shall be Summoned respectively out of the Counties of *Suffolk* and *Middlesex*: And all Jurors so chosen, shall be Impanelled and sworn truly, to try between party and party, and shall finde the matter of fact with the damages and costs, according to their evidence, and the Judges shall declare the Sentence, or direct the Jury to finde according to Law; and if there be matter of apparent equity, as the forfeiture of an Obligation, breach of Covenant without damage, or the like, the Bench shall determine such matters of equity.

And no tryal shall pass upon any man for life or Banishment in any inferior Court, but by a special Jury Summoned for that purpose.

Grand-Juries

L. 1. p. 47.

Jurors not
bound to reveal
Secrets.

A. 55. p. 19.

Jurors allow-
ance

2. It is also Ordered, that there shall be Grand-juries Summoned in like manner every year unto the several Courts in each Jurisdiction, to present all misdemeanours they shall know or hear, to be committed by any person within the Jurisdiction, and to do any other service of the Common-wealth, they shall be required by the said Court.

Provided no Juror, nor any person whatsoever shall be bound to inform, present or reveal any private Crime or Offence, wherein there is no peril or danger to this Colony, or any Member thereof, when any necessary tie of Conscience binds him to secrecy, unless it be in Testimonies lawfully required.

And every Grand juror shall be allowed *three shillings per diem* for his charges, out of the fees and other profits arising in each Court where they do service, or by the County if those in-comes fall short.

3. In all cases wherein the Law is obscure, so as the Jury cannot be satisfied therein, whether it be Grand or Petty Jury, they have liberty to present a special Verdict; viz. If the Law be so in such a point we finde for the Plaintiffe, but if the Law be otherwise we finde for the Defendant, in which case the determination doth properly belong to the Court.

A. 57. p. 25.

Juries liberty to give a special Verdict

And all Jurors shall have liberty in matter of Fact, if they cannot finde the main issue, yet to finde and present in their Verdict so much as they can.

4. And if the Court and Jury shall so differ at any time about their Verdict, that either of them cannot proceed with peace of Conscience, the case shall be issued and determined at the next Court of Assistants, in manner following, (*i.e.*) the Attachment with the Security for appearance at the County Court, shall be continued to the Court of Assistants: and if the Plaintiffe shall see cause further to prosecute his Action, he shall give summons to the Defendant as the Law provideth, and shall also take out of the Records of the County Court the Records of the said case with the Evidences presented by both parties, and bring the same to the Court of Assistants, where after the case is presented, as it was at the County Court, both parties shall have liberty to make any new Pleas or Evidence before the Bench and Jury: and in case the Plaintiffe shall not further prosecute his Action in manner as is hereby provided, the Defendant shall then have Judgement granted him for his costs, at the next Court of that County.

Court and Jury not agreed, case comes to the General Court

A. 56. p. 14.

5. It is further Ordered, That whensoever any Jury or Jurors are not clear in their Judgements or Conscience, concerning any case wherein they are to give their Verdict, they shall have liberty in open Court (but not otherwise) to advise with any man they shall think fit to resolve or direct them, before they give in their Verdict.

L. 1. p. 31.

Juries liberty to take advice in open Court

And no Juror shall be compelled to serve above one ordinary Court in a year, except Grand-jurors, who shall hold two Courts together at the least, and such as shall be summoned to serve in cases of life and death, or Banishment. [1634, 41, 42, 49, 50, 51, 53, 56, 57.]

Jurors to serve but a year except

6. Whereas in Suits and Actions brought into Courts between party and party, sometimes the Plaintiffe and sometimes the Defendant, and sometimes neither of them do attend to answer when they are called to Prosecute or Answer, which hath been too long connived at by the Magistrates, and much time lost in sending to seek them out, or wait their coming in, whereby the Country charges encreased, and the Magistrates, Jurors, Witnesses and others abused, contrary to the Laudable, Reasonable Practise and Customes of all Courts in our Native Country, and other Countries known unto us;

It is therefore hereby Ordered and Enacted, That if any Plaintiffe, He or Shee have entred any Action to be tryed in any Court, or which comes orderly into any Court, by Replevin, Appeal, or by the disagreement between the Magistrates and Jury in an Inferiour Court, and do not by him or her self, or by their Attornies make their appearance and prosecute their Action immediately after they have been three times called in the Court by Name, after the first forenoon of the Court; that then they shall be Non-suited; and if Plaintiffe or Defendant appear upon such call, they shall have their costs granted by the Court against him or her that doth

Plaintiff and Defendants penalty for not ans^r. at their call.

Plaintiffs liberty
to make new en-
try in case

Delinq. penalty
for not answer-
ing when call'd

not appear; and if afterwards both parties do agree to try their case at the same Court, they shall be allowed so to do, the Plaintiff paying half so much for a new Entry as he did before.

And if any person presented by the Grand-jury for any offence, or Summoned by a Magistrate to answer any crime, do not upon Summons appear at the time appointed, upon the third call as aforesaid, He or Shee shall be proceeded against for contempt, except He or Shee be restrained or prevented by the Hand of God.

Lands, free Lands.

IT is also Ordered, and by this Court Declared, That all our Lands and Heritages shall be free from all Fines and Licenses, upon Alienations, and from all Hariots, Wardships, Liveries, Primerseizins, year, day and waste, Escheats and forfeitures upon the Death of Parents or Ancestors, natural, unnatural, casual or judicial and that for ever.
[1641.]

LEATHER.

THis Court considering the several Deceits and Abuses which in other places have been, and are commonly practised by the Tanners, Curriers, and workers of Leather, as also the abuses and inconveniences which accrue to the several Members of this Commonwealth, by Leather not sufficiently Tanned and Wrought, which is occasioned by the negligence and unskilfulness of these several Trades-men, which before, in and after, it is in the hand of the Tanner may be much bettered or impaired; for prevention whereof;

Butchers, Curriers
may not Tan

It is Ordered by this Court and the Authority thereof; That no person using or occupying the Feat and Mystery of a *Lutcher*, *Currier* or *Shoemaker* by himself or any other, shall use or exercise the Feat or Mystery of a *Tanner*, on pain of the forfeiture of six shillings eight pence for every Hide or Skin by him or them so Tanned, whilst he or they shall use or occupy any of the Mysteries aforesaid.

Nor shall any *Tanner* during his using the said Trade of Tanning, use or occupy the Feat or Mystery of either *Futcher*, *Currier*, or *Shoemaker*, by himself or any other, upon pain of the like forfeiture.

Nor shall any Butcher by himself or any other person, Gash or Cut any Hide of Oxe, Bull, Steer, or Cow, in fleaing thereof, or otherwise, whereby the same shall be impaired or hurt, on pain of forfeiting *twelve pence* for any such Gash, or Cut in any Hide or Skin.

Gashing of hides
forfeit 12 d.

Nor shall any person or persons henceforth, Bargain, Buy, make any Contract, or bespeak any rough Hide of Oxe, Bull, Steer or Cow, in the Hair, but only such persons as have and do use and exercise the Art of Tanning.

Only Tanners
may buy raw
hides.

2. Nor shall any person or persons, using or which shall use the Mystery or faculty of Tanning at any time or times hereafter, offer to put to sale any kinde of Leather, which shall be insufficiently or not thoroughly Tanned, or which hath been over limed, or burnt in the limes, or which shall not have been after the Tanning thereof, well and thoroughly dried, upon pain of forfeiting that whole Hide, half Hide, or other piece of Leather, wherein one *sixteenth part* shall be found by the Searcher or Sealer of Leather (lawfully appointed) to be either over-limed or insufficiently Tanned, or not thoroughly dried as aforesaid.

Leather not to
be overlimed or
insufficiently
Tanned

Penalty.

Nor shall any person using the Mystery of Tanning as aforesaid, set any of their Fats in Tan-hills, or other places where the Woozes or Leather put to Tanne in the same, shall or may take any unkind heats, nor shall put any Leather into any hot or warm Woozes whatsoever, on pain of *twenty pounds* for every such offence.

3. Nor shall any person or persons, using or occupying the Mystery or faculty of Currying, Curry any kinde of Leather, except it be well and thoroughly Tanned; nor shall Curry any Hide being not thoroughly dried after his wet season, in which wet season, he shall not use any stale, urine, or any other deceitful or subtle mixture, thing, way or means, to corrupt or hurt the same; nor shall Curry any Leather meet for outer sole Leather with any other then good hard Tallow, nor with any less of that then the Leather will receive; nor shall Curry any kinde of Leather meet for upper Leather and inward Soles, but with good and sufficient stuffe, being fresh, and not salt, and thoroughly liquored, till it will receive no more; nor shall burn or scald any Hide or Leather in the Currying, but shall work the same sufficiently in all points and respects, on pain of forfeiture for every such offence, or act done contrary to the true meaning of this Order, the full value of every such Hide mairred by his evil Workmanship or Handling, which shall be judged by two or more sufficient and honest skilful persons, Curriers or others on their Oath given to them for that end, by any Magistrate.

Curriers duty

Penalty.

4. And every Town where need is or shall be, shall chuse one or two persons of the most honest and skilful within their severall Town-ships, and present them unto the County Court, or one Magistrate, who shall appoint and swear the said persons, by their discretion, to make search and view within the precincts of their limits, in any House, Shop or Warehouse, where they conceive such Leather may be, whether wrought into Shoos, Boots, or otherwise, as oft as they shall think meet and need shall be, who shall have a Mark or Seal prepared by each Town for that purpose; and the said Searchers, or one of them shall keep the same, and therewith shall Seal such Leather as they shall finde sufficient in all respects and no other. And if the said Searchers, or any of them, shall finde any Leather sold or offered to be sold, brought or offered to be Searched or Sealed, which

Searchers of Leather
to be sworn

A. 51. p. 3.

To seize all de-
fective Leather.

shall be Tanned, Wrought, Converted or Used contrary to the true intent and meaning of this Order:

It shall be lawful for the said Searchers or any of them to seize all such Leather and to retain the same in their custody, and if the owner shall not submit to the Judgement of the Officer or Officers, the said Officer so seizing the same, shall within three dayes, call to him four or six men, honest and skilful in such ware to view the same in the presence of the party (or without him having notice thereof) who shall certifie upon their Oaths unto the next County Court of that Shire, or unto one of the Magistrates the defect of the said Leather.

Searching Lea-
ther made into
Shoes & Boots.

The like power shall the said Searchers have, to search all Leather wrought into Shoes or Boots, as also to seize all such as they finde to be made of insufficient Leather, or not well and sufficiently wrought up:

Searchers de-
fault

And if any Searcher or Sealer of Leather, shall refuse with convenient speed, to seal any Leather sufficiently Tanned, Wrought and Used according to the true meaning of this Order, or shall Seal that which shall be insufficient, then every such Searcher and Sealer of Leather, shall forfeit for every such offence, the full value of so much as shall be insufficiently Tanned.

Penalty

And the Fees for Searching and Sealing of Leather, shall be *one penny* a Hide for any parcel less then *five*, and for all other parcels, after the rate of *six pence a Dickar*, which the Tanner shall pay upon the Sealing of the said Leather from time to time.

Fees.

5. Lastly, It is Ordered by the Authority aforesaid, That the several fines and forfeitures in this Order mentioned, shall be equally divided into three parts and distributed, as, *viz.* one third part to the common Treasury of the Shire wherein the offence is committed, another third part to the common Treasury of the Township where the offender inhabiteth, and the other third part to the Seizer or Seizers of such Leather, Shoes, or Boots as is insufficiently Tanned, Curried, or Wrought from time to time. [1642, 51.]

Liberties Common.

Liberty at pub-
lick Assemblies

IT is Ordered, by this Court Decreed and Declared; That every man whether Inhabitant or Forreigner, free or not free, shall have liberty to come to any publick Court, Council or Town meeting, and either by speech or writing, to move any lawful, seasonable or material Question, or to present any necessary Motion, Complaint, Petition, Bill or Information, whereof that Meeting hath proper cognizance, so it be done in convenient time, due Order and respective Manner. [1641.]

Fishing and
owling

2. Every Inhabitant who is an House-holder, shall have free Fishing and Fowling in any great Ponds, Bayes, Coves and Rivers, so far as the

Sea Ebbs and Flows within the precincts of the Town where they dwell, unless the Freemen of the same Town or the General Court have otherwise appropriated them :

Provided, that no Town shall appropriate to any particular person or persons, any great Pond, containing more then ten Acres of Land, and that no man shall come upon anothers propriety without their leave, otherwise then as hereafter expressed.

The which clearly to determine;

It is Declared, That in all Creeks, Coves and other places about and upon Salt water, where the Sea Ebbs and Flows, the Proprietor, or the Land adjoining, shall have Propriety to the Low-water mark, where the Sea doth not Ebbe above a *hundred Rods*, and not more wheresoever it Ebbs further,

Provided that such Proprietor, shall not by this liberty have power to stop or hinder the passage of Boats or other Vessels, in or through any Sea, Creeks or Coves, to other mens Houses or Lands.

And for great Ponds lying in Common, though within the Bounds of some Town, it shall be free for any man to fish and fowle there, and may pass and repass on foot through any mans propriety for that end, so they trespass not upon any mans Corn or Meadow. [1641, 47.]

Liberty to pass through propriety to fish & fowl

3. Every man of, or within this Jurisdiction, shall have free liberty (notwithstanding any Civil Power) to remove both himself and his Family, at their pleasure out of the same, Provided there be no legal impediment to the contrary. [1641.]

Liberty to remove out of the Jurisdiction

L Y I N G.

VV *Hereas Truth in Words, as well as in Actions is required of all men; especially of Christians, who are the professed Servants of the God of Truth; And whereas all Lying is contrary to Truth, and some sort of Lies are not only sinful (as all Lyes are) but also pernicious to the publick Weal, and injurious to particular persons;*

It is therefore Ordered by this Court and Authority thereof, That every person of the age, of discretion (which is accounted *fourteen years*) who shall wittingly and willingly make, or publish any Lye, which may be pernicious to the Publick Weal, or tending to the damage or injury of any particular person, or with intent to deceive and abuse the People with false News and Reports, and the same duely proved in an Court, or before any one Magistrate (who hath hereby power granted to hear and determine all offences against this Law) such person shall be fined for the first offence *ten shillings*, or if the party be unable to pay the same, then to be set in the Stocks, so long as the said Court or Magistrate shall appoint in some open place, not exceeding two hours.

Age of discretion 14 years

First offence 10 sh or Stock.

For the second offence in that kinde, whereof any shall be legally convicted, shall pay the sum of *twenty shillings* or be whipped upon the naked Body, not exceeding *ten stripes*.

Second offence 20 sh. or whips

Third offence

Fourth offence

And for the third offence *forty shillings*, or if the party be unable to pay, then to be whipped with more stripes, not exceeding *fifteen*.

And if yet any shall offend in like kinde, and be legally convicted thereof, such person Male or Female, shall be fined *ten shillings* a time more then formerly, or if the party so offending be unable to pay, then to be whipt with five or six more stripes then formerly, not exceeding *forty* at any time.

The aforesaid fines shall be leavied, or stripes inflicted either by the Marshal of that Jurisdiction, or Constable of the Town where the offence is committed, according as the Court or Magistrate shall direct.

And such fines so leavied shall be paid to the Treasury of the Shire where the cause is tried.

Liberty to Appeal

If causeless doubly fined

And if any person shall finde himself grieved with the Sentence of any such Magistrate out of Court, he may Appeal to the next Court of the same Shire, giving sufficient security to prosecute his Appeal, and abide the Order of the Court, and if the said Court shall judge his Appeal causeless, he shall be double fined, and pay the charges of the Court during his Action, or corrected by whipping as aforesaid, not exceeding *forty stripes*, and pay the costs of the Court, and party complaining or informing, and of the Witneses in the case.

Under age to be corrected by Parents

And for all such as being under age of discretion, that shall offend in Lying contrary to this Order, their Parents or Masters shall give them due correction, and that in the presence of some Officer, if any Magistrate shall so appoint; Provided alwayes, that no person shall be barred of his just action of slander, or otherwise, by any proceeding upon this Order. [1645.]

MAN-SLAUGHTER.

A man may kill in his own defence

It is Ordered by this Court and the Authority thereof; That if any person in the just and necessary defence of his life, or the life of any other, shall kill any person attempting to Rob or Murther in the Field or Highway, or to break into any dwelling house, if he conceive he cannot with safety of his own person otherwise take the Felon or Assailant, or bring him to Tryal, he shall be holden blameless. [1647.]

Maritime

M A R I T I M E

A F F A I R E S.

W Hereas through the Blessing of God upon this Jurisdiction, the Navigation and Maritime Affaires thereof, is grown to be a considerable Interest, the well management whereof, is of great concernment to the publick Weal; For the better Ordering the same for the future, and that there may be known Laws and Rules for all sorts of persons imployed therein; according to their severall stations and capacities, and that there may be one Rule for the guidance of all Courts in their proceedings, in distributive Justice;

This Court doth Order, and be it Ordered by the Authority thereof;

SECT. I.

That whereas there is many times differences between Owners of Ships, Ketches, Barques and other Vessels, in setting forth their severall parts, whereby damage doth accrue to the particular concernment of Owners, and if not prevented, may be a great obstruction of Trade, where there are several Owners concerned, as Owners in Ship, Ketch, Barque or other Vessel whatsoever, used for Traffick, Commerce, Fishing, Logge, Board, Wood or Stone, Carriage upon Salt or Fresh-water, all such Owners of lesser part, shall be concluded for the setting forth of his part, by the major part of the whole concerned, such Owners so concluded, having notice given them of the meeting for such conclusion, if they be nigh hand; and in case of any Owner refusing, or by reason of neglect or absence, or not able to provide for the setting forth his part, the Master of such Ship or Vessel may take up upon the Bottome, for the setting forth of the said part, the which being defrayed, the remainder of the income of such part to be paid by the Master to the said Owner.

Minor part owners to be concluded by the major part

SECT. II.

And in case of Freightment, where any Owner shall refuse to assent to the letting out of Ship or Vessel, where he is interested, such dissenter shall manifest it by some publick act of protest, before the signing of charter party, except the Master or the rest of the Owners, or both, conceal from him or them their actings, then his or their protest after charter party signed by themselves or agents, shall be taken for legal dissent, yet not to hinder the proceed of the Ship or Vessel, but that those so sending her forth

Owners refused to sign charter party to make publick protest, &c.

shall be liable to respond his part upon enurance according to the Custom of Merchants, which enurance is to be defalked out of that part of hire, due for such owners which dissented.

SECT. III.

Whereas Masters of Ships or other Vessels, have their Owners live part in one Country and part in another, whereby they have in themselves not only opportunity; and some have made use thereof in their own persons, to represent the major part of the Owners in the place where he comes;

Masters to have
but single votes.

It is therefore Ordered, that such Master shall not be taken to have Vote in the ordering of such Vessel further then his own interest, except he make it appear to the rest of the Owners, where he is, that he is Authorized under the hands of such Owners absent, and then he is to have Votes according to the proportion of parts he so stands for, and the majority of parts are to carry it as before; nevertheless it is to be understood, that any Owner hath power to make sale of his part, either to the rest of the Owners, or others, as may be most to his own advantage, and if any Master shall presume to act contrary hereunto, what damage shall be sustained by the rest of the Owners, the Master shall be liable to make good, it being duly proved against him.

SECT. IV.

Penalty of Masters and Mariners non-attendance on board

All Masters taking charge, as Masters of Ships or other Vessels, and not being sufficient to discharge his place, or that through negligence, or otherwise, shall imbezel the Owners or Employers Stock, or time, or that shall suffer his men to neglect their due attendance on board, both by day and night, especially when or whilst Merchants Goods are on board, and that Himself or Mate be not on board every night, to see good Orders kept, upon defect therein, such Master shall be liable to pay the damage that shall accrue by such neglect, it being duly proved against him.

SECT. V.

Masters to make
particular agreement
with Sea-men

For the Masters better securing their men to them, and to prevent all Coven, they shall make clear agreements with their Marriners, and Officers for their wages, and those agreements enter into a Book, and take the several mens hands thereto, a copy whereof the Master as a Portlige Bill shall leave with their Owners if required of them, before their setting saile upon the Voyage, and all such agreements, the Master shall make good to the Sea-men, and such Ship or Vessel as they saile in, shall be liable for to make good the same.

Sett.

SECT. VI.

All Masters of greater or lesser Vessels, shall make due and meet provisions of Victuals and Drink for their Sea-men, or Passengers, according to the laudable custome of our English Nation, as the Custome and Capacity of the places they saile from will admit, upon penalty of paying damages sustained for neglect thereof.

Masters to make due provisions &c.

SECT. VII.

That no Master shall Ship any Sea-man or Marriner that is shipt before by another Master or Imployer upon a Voyage, nor shall any Sea-man shipt himself to any other man, until he be discharged from him that shipt him first, upon penalty of him that entertains him to pay one months pay, that such Sea-man agrees for, as also of such Sea-man shipping himself to pay one months pay that he agrees for; the half thereof to be paid to the use of the poor of the Town or place where the offence is committed, the other half to the complainer or informer.

No Masters to entertain Sea-men nor discharged. Nor Sea-men to enter themselves till cleared &c.

SECT. VIII.

No Master of Ship or Vessel shall saile into any Haven or Port, except necessitated thereunto by Wind or Weather, or for want of provision, or for security from Pirates, but such Port as by charter party, or his Bill of Lading he is bound unto, until he hath delivered his Goods according to his engagement; and in case any Master shall take in goods for more Ports and Places then one, he shall declare himself so to do, to those that Freight upon him, and in case he shall voluntarily go to any other Port or Harbour then he is obliged to as above; if damage to the Merchants goods happen thereby, such Master shall make good the same, it being duly proved against him.

Masters prohibited from sailing into any Port but what bound to.

SECT. IX.

Any Master hired out or imployed by his Owners upon any Voyage, receiving advice from his imployers, that the alteration of the Voyage when they are abroad, may be much for their security and advantage, by going to some other port, the Master seeing meet to close with that advice, the Marriners shall not hinder his proceed, unless where any of the Sea-men shall have made a particular contract with the Master to the Contrary;

Masters may alter their voyages in case

Sea-mans Contract to stand good

Provided that they be not carried to stay out above one year, nor be carried to any place where they may be liable to be pressed into a service they are not willing unto.

SECT. X.

Masters to pay wages according to agreement.

Masters shall see that their Officers and Marriners be duly paid their Wages according to agreement made with them, upon the finishing of their Voyage, without delay or trouble, upon penalty of paying damages for neglect, and all costs that the Sea-men shall be at for recovering the same.

SECT. XI.

Whereas many times Masters take in Merchants Goods on board their Ships or Vessels upon Freight, when yet they are not meetly fitted with suitable Tackling and Sea-men for the security of such Ships or Vessels, and Goods;

Masters, Ships & Seamen to bear loss of goods damaged by their neglect or want of Ground tackle

It is Ordered, That in case any Master of Ship or Vessel, after he hath Laden upon his Ship or Vessel any Merchants Goods to be transported, shall for want of sufficient ground tackle (if to be had) or because of want of sufficient men being on board, come a shore to the damage of such Merchants or Freighters in their Goods, the Ship shall be liable to make good such damages; and in case the defect appear to be in the Master and Men both, or either, the Owners shall recover such damage from them.

SECT. XII.

Damage upon goods when ships fall foul

Where any Ship-Master hath Mored his Ship or Vessel, none other shall come so near to him first Mored as to do him damage, or receive damage by him, upon the penalty of him so coming, to make good all the damage, and to be farther punished if wilfulness or perverseness in the action be proved against him.

SECT.

SECT. XIII.

In case any Master of Ship or Vessel under fail, shall run on board any other Ship or Vessel at an Anchor, and damage him, the party offending shall pay the damage; and such Ship or Vessel as he fails in shall be liable to arrest for the making good the damage, the damage to be judged by indifferent men, appointed by the Judges thereof, unless the parties agree among themselves.

Master running on board any ship at Anchor, &c.

SECT. XIV.

In case of loss of Goods by reason of throwing some over board to ease the Vessel to save the rest, the Goods thrown over board, shall not be done without the Master and major part of the companies consent, or at least of the Officers with the Master, which Goods shall be brought into an Avarage, and the whole loss to be born by Ship, and Goods, and Wages in proportion that are saved, The like course shall be for cutting of Masts, and loss thereof, or Boats, Cables or Anchors, as also of Rigger and fails, for the safety of the whole, the Merchants Goods are to bear a part of the loss.

Goods thrown over board by consent of M. & Officers to be made good by an Avarage

SECT. XV.

In case a Ship or Vessel, at setting forth proves deficient, and gives over the Voyage, the Charges the Merchant hath sustained in Shipping and Landing his Goods, shall be born by the Master and Owners of such Vessel, that presumes to take Goods into an insufficient Bottom.

Damage by an insufficient bottom

SECT. XVI.

Any Ship or Vessel at Sea, receiving damage by the Masters or Mariners negligence, yet bringeth the Merchants Goods home, and delivereth them according to Bills of Lading, he shall receive his freight, but if the Goods be damaged, the Master or Mariners shall make good the damage.

Damage at Sea

SECT. XVII.

Damage by Ships
breaking loose.

If any Ship or Vessel in storm, shall break loose and fall upon another; and do her damage for want of ground tackle, the Ship breaking loose shall make good the damage; but if it appear the Master, or Marriners, or both, are negligent of freshing their Hoafe, or clearing their Cables, they shall pay the damage for such neglect.

SECT. XVIII.

Marriners absent
without leave

All Marriners being shipt upon a Voyage, and in pay, they shall duely attend the service of the Masters Ship or Vessel for the Voyage, and not absent themselves day or night without leave from the Master, upon forfeit for every offence five shillings.

SECT. XIX.

Officers or mar-
riners unruly

No Officers or Marriners shall be disorderly or unruly, to occasion disturbance in the Ship or other Vessel he is shipped upon, to hinder or damnifie the Voyage, to be proved by the Master or other Marriners, or both, upon penalty of paying the damage if able, and in case of inability to pay, to suffer Corporal punishment, as the nature of the offence may appear to the Judges, and in case Master or Marriners shall conceal the offences of such, and refuse to give in evidences therein, they shall be amerced or imprisoned, as the Judges shall see meet.

SECT. XX.

Assistant Pilots
or Officers

If any shall undertake the charge of Pilot, Boat-swain, Gunner, or any other Office, in Ship or other Vessel, and not be able to discharge the duty of the place, such shall lose their Wages in part or in whole, and be further punished for their presumption, as the Judges shall see meet.

SECT. XXI.

All Marriners shall keep true Watch at Sea or in Harbour, as the Master shall appoint, upon pain of forfeit of *twelve pence* for every default, to be defalked out of their wages.

Watch to be kept

SECT. XXII.

Any Marriner that hath entred upon a Voyage, and shall depart and leave the Voyage, shall forfeit all his wages, one half to the poor, the other half to the Master and Owners, and be further punished by Imprisonment or otherwise as the case may be circumstanced, to be judged by the Magistrate or Magistrates they are complained to, except such Seaman shall shew just cause for his so leaving the Voyage, and shall procure an Order therefore from Authority.

Marriners deserting the Voyage

SECT. XXIII.

If any Marriner shall have received any considerable part of his wages, and shall run away from the Ship or Vessel he belongs to, and decline the service of the Master in the prosecution of the Voyage, he shall be pursued as a disobedient Run-away servant, and proceeded with as such a one.

Runaway Marriners

SECT. XXIV.

If any Marriner shall entertain any Person or Persons on Board the Ship or Vessel he failes in, without the Masters leave, or Masters or Marriners, shall do it at unseasonable times, he or they shall forfeit *twenty shillings*, one half to the Poor, the other half to the Owners.

Marriners entertaining without Masters leave

SECT. XXV.

Outrage upon
the Master

No Sea-man, or Sea-men, or Officer shall commit any outrage upon the Master of any Ship or Vessel, but those so offending shall be severely punished, by fine or other Corporal punishment, as the fact shall appear to be circumstanced to the Judges that shall hear it, and as they shall judge meet; If any Officers or Marriners shall combine against the Master, whereby the Voyage shall be diverted or hindred, or that damage thereby shall accrue to the Ship and Goods, they shall be punished with loss of Wages, or otherwise as mutiniers, as the case may require.

SECT. XXVI.

Ships in distress
not to be left

In case any Ship or Vessel be in distress at Sea, by Tempest or other accident, the Marriners shall do their utmost endeavour to assist the Master in saving Ship and Goods, and not desert him without apparent hazard appear, that by their staying they may lose their lives.

SECT. XXVII.

Marriners to do
their utmost in
Shipwreck to
save the Goods

And in case of suffering Shipwreck, the Marriners are without dispute upon their getting on shore, to do their utmost endeavours to save the Ship or Vessel, Tackle and Apparel, as also the Merchants Goods as much as may; out of which they shall have a meet compensation for their hazard and pains; and any upon conviction of negligence herein shall be punished.

Marriages.

Marriages and Married Persons.

IT is Ordered by this Court and Authority thereof; That no man shall strike his Wife, nor any Woman her Husband, on penalty of such fine not exceeding ten pounds for one offence, or such Corporal punishment as the County Court shall determine. L. 2 p. 17.

2. For prevention of all unlawful Marriages;

It is Ordered, That henceforth no person shall be joyned in Marriage, before the intention of the parties proceeding therein, hath been three times published, at some time of publick Lecture or Town-meeting, in Both the Towns where the parties or either of them do ordinarily reside, or be set up in Writing upon some post of their Meeting house door in publick view, there to stand so as it may easily be read, by the space of fourteen dayes. Three times published
or posted 14 dayes. [1639.]

3. And whereas God hath committed the care and power into the hands of Parents for the disposing their Children in Marriage, so that it is against Rule to seek to draw away the affections of young Maidens, under pretence of purpose of Marriage, before their Parents have given way and allowance in that respect; And whereas it is a common practise in divers places, for young men irregularly and disorderly to watch all advantages for their evil purposes, to insinuate into the affections of young Maidens, by coming to them in places and seasons unknown to their Parents for such ends, whereby much evil hath grown amongst us, to the dishonour of God; and damage of parties; For prevention whereof for time to come;

It is further Ordered, That whatsoever person from henceforth, shall endeavour directly or indirectly, to draw away the Affection of any Maid in this Jurisdiction, under pretence of Marriage, before he hath obtained liberty and allowance from her Parents or Governours (or in absence of such) of the nearest Magistrate; he shall forfeit for the first offence five pounds, for the second towards the party ten pounds, and be bound to forbear any further attempt and proceedings in that unlawful design, without or against the allowance aforesaid; And for the third offence upon information or complaint by such Parents or Governours to any Magistrate, giving Bond to prosecute the party, he shall be committed to prison, and upon hearing and Conviction by the next Court, shall be adjudged to continue in Prison, until the Court of Assistants shall see cause to release him. No motion of Marriage to be made to any maid without consent of Parents
Penalty 5. li. [1647.]

4. Whereas divers persons, both Men and Women, living within this Jurisdiction, whose Wives and Husbands are in England, or elsewhere, by means whereof, they live under great temptations here; and some of them committing lewdness and filibines here amongst us, others make love to Women and attempt Marriage, and some have attained it, and some of them live under suspicion of uncleanness, and all to the great dishonour of God, reproach of Religion, Common-wealth and Churches;

It is therefore Ordered by this Court and Authority thereof, for the prevention of all such future evils, That all such married persons as aforesaid, shall repair to their said Relations by the first opportunity of shipping; upon the pain or penalty of twenty pounds, except they can shew just cause to the contrary to the next County Court, or Court of Assistants, after they are Summoned by the

Const. to present
such to Court

Constable there to appear, who are hereby required so to do, upon pain of twenty shillings for every such default wittingly made:

Provided this Order do not extend to such as are come over to make way for their families, or are in a transient way, only for Traffick or Merchandize for some small time. [1647.]

5. *As the Ordinance of Marriage is honourable amongst all, so should it be accordingly solemnized;*

Who may solemnize Marriage

It is therefore Ordered by this Court and Authority thereof; That no person whatsoever in this Jurisdiction, shall joyn any persons together in Marriage, but the Magistrate, or such other as the General Court, or Court of Assistants shall Authorize in such place, where no Magistrate is near.

Nor shall any joyn themselves in Marriage, but before some Magistrate, or person Authorized as aforesaid.

Not before publication

Nor shall any Magistrate or other person Authorized as aforesaid, joine any persons together in Marriage, or suffer them to joine together in Marriage in their presence, before the parties to be Married have been published according to Law. [1646.]

IN Answer to the Question; *Whether it be lawful for a Man that hath buried his first Wife, to Marry with her that was his first Wives natural Sister?* The Court resolves it on the Negative. [1679.]

MARSHAL

L. 1. p. 38,
57.

Marshal to levy
all Fines

IT is Ordered by this Court and Authority thereof; That every Marshal shall diligently and faithfully Collect and Levy all such fines and sums of Money, of every person for which he shall have Warrant from the respective Treasurers, or other Authority, which he shall return to the said Treasurer with all convenient speed, upon penalty of forfeiting two shillings out of his own Estate, for every Pound not Collected or Returned as aforesaid, or such fine as any Court shall impose upon him for his neglect.

To serve all
Executions

2. And every Marshal shall with all speed and faithfulness Levy the Goods of every person for which he shall have Warrant, by virtue of any Execution granted and signed by the Secretary, or other Clerk Authorized thereunto; and the said Goods so Levied, shall with all convenient speed, deliver to the Party or Attorney that obtained the Judgement and Execution, or be liable to make full satisfaction to the party for all damage sustained by his neglect.

To return Execution to the
Clerk

And the said Marshal shall within two Months after the receipt of any such Execution, make Return of the said Execution, with what he hath done by virtue thereof under his hand to the Clerk that granted the same,

to be by him kept and Recorded; and if the Execution be not fully satisfied, the said Clerk shall at the request of the party, grant Execution for the remainder:

And every Marshal neglecting to make return of Executions as aforesaid, shall forfeit double to the damage any person concerned therein may sustain by such neglect.

3. Further the said Marshals shall with like care and faithfulness, serve all Attachments directed to them, and return the same to the Courts to which they are returnable at the times of the returns thereof, and henceforth no Marshal shall be Clerk or Recorder of any Court, *L. 1. p. 58.*

Marshal not to be Clerk.

4. And it is hereby Ordered, That the Marshals Fees shall be *twelve pence in the pound*, to be paid by the respective Treasurers, for all fines leavied by the said Marshals, and returned to the said Treasurers, and for serving Attachments within one mile *one shilling three pence*, to be paid by the party that employs them; and for serving Executions *twelve pence in the pound*, for all sums not exceeding *ten pounds*, and for all sums above *ten pounds* and not exceeding *forty pounds*, *six pence in the pound more*, and for all sums above *forty pounds*, and not exceeding *one hundred pounds*, *three pence in the pound more*, and *one penny in the pound more* for all sums above *one hundred pounds*, out of the Estate of the person the Execution is served upon, over and above for the execution. *L. 2. p. 7.*

Marshals Fees

And in all cases, where the aforesaid Fees for Leavying Executions or Fines, will not answer the Marshals travail, and other necessary charges, the Marshal or other Officer employed, shall have power to demand *six pence per mile*, and upon refusal, to Leavy the same together with his other Fees.

5. And it is Ordered, That all Marshals and Constables within this Jurisdiction, shall henceforth from time to time, allow and pay unto the Marshal General *three pence* out of every *fifteen pence* they receive for serving Attachments, also *three pence* out of every *shilling* due to them, for Leavying of Fines and Executions. *A. 53. p. 20*

And it is further Ordered, That the said Marshal General, shall from time to time have, and enjoy to his own use and benefit, the Custome of *two pence per quart* upon all such as do, or shall Retail strong waters, and all such as shall sell under one Gallon at a time, shall be accounted Retailers, whether Licensed or not, and the one half of the fine of *five pounds* of all such persons as shall upon his information or complaint be convicted to have sold strong waters without License; as also the sole benefit of the Impost of all strong waters brought into the Country, which this Court doth allow as a meet Incouragement and Sallary for the service of the said Marshal General. *Marshal General his Fees*

6. Whereas the Marshals and their Deputies have often need of Assistance in the execution of their Office; *L. 1. p. 10.*

It is Ordered that they and every of them, have and shall have the same power to enjoyne and charge any person to aid them and assist them therein as every Constable hath, and whosoever shall refuse, or not yield Obedience thereto, shall incur the like penalty that those do or should do, that Refuse to aid the Constable in his Office. *Marshal may require aid of the Constable may*

7. And upon cases of Fines and Assessments to be Leavied, and upon Executions *L. 1. p. 45.*

Officer may
break open doors
or chests

Execution in civil Actions, the Marshal or other Officer shall demand the same of the party at his house or place of usual abode, and upon refusal or non-payment, he shall have power (calling assistance if he see cause) to break open the door of any House, Chest, or place where he shall have notice, that any Goods liable to such Leavie or Execution shall be, and if he be to take the person, he may do the like, if upon demand he shall refuse to render himself.

Necessary charges
to be levied

8. And whatever charges the Officer shall necessarily be put unto, upon any such occasion, he shall have power to leavie the same as he doth the Debt, Fine or Execution, and where the Officer shall leavie any such Goods upon Execution, as cannot be conveyed to the place where the party dwells, for whom such Execution shall be leavied without considerable charge, he shall leavie the said charge also with the Execution.

Goods exempt
from Execution

The like Order shall be observed in leavying of fines, Provided, it shall not be lawful for such Officer to leavie any mans necessary Bedding, Apparel, Tools, or Arms, neither Implements of House hold, which are for the necessary upholding of his life, but in such cases, he shall leavie his land or person according to Law, and in no case shall the Officer be put to seek out any mans estate further then his place of abode, but if the party will not discover his Goods or Lands, the Officer may take his person.

Officer doing
wrong to make
satisfaction

9. And it is Ordered, That if any Officer shall do injury to any by colour of his Office, in these or any other cases, he shall be liable upon complaint of the party wronged, by Action or information, to make full restitution. [1647.]

Masters, Servants, Labourers.

Servants not to
give or truck

IT is Ordered by this Court and the Authority thereof; That no servant either Man or Maid, shall either give, sell or truck any Commodity whatsoever without License from their Masters, during the time of their service, under pain of fine, or corporal punishment, at the discretion of the Court as the offence shall deserve.

Work the whole
day

2. And that all Workmen, shall work the whole day, allowing convenient time for food and rest.

Servants run a-
way to be pur-
sued

3. It is also Ordered, That when any Servants shall run from their Masters, or any other Inhabitants shall privily go away with suspicion of evil intentions, it shall be lawful for the next Magistrate or the Constable and two of the chief Inhabitants where no Magistrate is, to press Men and Boats or Pinnaces at the publick charge, to pursue such persons by Sea and Land, and bring them back by force of Arms.

4. It is also Ordered by the Authority aforesaid; That the Freemen

of every Town, may from time to time as occasion shall require, agree amongst themselves about the prizes and rates of all workmens labour, and servants wages. And every person inhabiting in any Town, whether Workmen, Labourer or Servant, shall be bound to the same Rates, which the said Freemen, or the greater part shall binde themselves unto, and whosoever shall exceed thoe Rates so agreed, shall be punished by the discretion of the Court of that Shire, according to the quality and measure of the offence; And if any Town shall have any cause of complaint against the Freemen of any other Town, for allowing greater Rates or wages then themselves, the County Court of that Shire shall from time to time, set order therein.

Wages to be set
by the Freemen
in Towns

5. *And for servants and workmens wages;*

It is Ordered, That they may be paid in Corn, to be valued by two indifferent Freemen chosen, the one by the Master the other by the Servant or Workman, who also are to have respect to the value of the work or service, and if they cannot agree, then a third man shall be chosen by the next Magistrate, or if no Magistrate be in the Town, then by the next Constable, unless the parties agree the price themselves; Provided, if any Servant or Workmen agree for any particular payment, then to be paid in specie, or consideration for default therein; And for all other payments in Corn, if the parties cannot agree, they shall choose two indifferent men, and if they cannot agree, then a third as before.

Wages to be
paid in Corn

to be valued

6. It is Ordered, and by this Court Declared; That if any Servant shall flee from the Tyranny and Cruelty of his or her Master, to the House of any Freeman of the same Town, they shall be there protected and sustained till due order be taken for their Relief, Provided due notice thereof be speedily given to their Master from whom they fled, and to the next Magistrate or Constable where the party so fled is Harboured.

Servants flying
cruelty of Master
may be harbored

7. Also that no Servant shall be put off for above a year to any other, neither in the life time of their Master, nor after their death by their Executors or Administrators, unless it be by consent of Authority assembled in some Court, or two Assistants, or otherwise all, and every such Assignment to be void in Law.

Servants not put
off without allow-
ance of 2 Mag.

8. And if any man smite out the Eye or Tooth of his Man-servant or Maid-servant, or otherwise maim or much disfigure them (unless it be by meer casualty) he shall let them go free from his service, and shall allow such further Recompence as the Court shall adjudge him.

Servants maimed
to be discharged

9. And all servants that have served diligently and faithfully, to the benefit of their Masters, Seven years, shall not be sent away empty; And if any have been unfaithful, negligent or unprofitable in their service, notwithstanding the good usage of their Masters, they shall not be dismissed, till they have made satisfaction according to the judgement of Authority.

Faithful servants
reward

unfaithful puni-
shed

[1630, 33, 35, 36, 41.]

M A L T.

A. 52. p. 12.

Malt to be cleansed from dust

IT is Ordered, That no Maltster or maker of Malt, shall henceforth deliver or pass away any Malt by him or his procurement made before it be cleansed from the dust and taile, which ariseth in the Malting, drying and ordering it in his hands, on penalty of twelve pence per Bushel, upon conviction before any Magistrate or Court, the one half to the Informer, the other half to the Country.

A. 55.

No Malt, Wheat, Bisket, Beef to be brought on penalty of confiscation

This Court taking into serious consideration the great necessity of upholding the staple Commodities of this Country, for the supply and support of the Inhabitants thereof, and finding by experience the bringing in of Malt, Wheat, Bary, Bisket, Beef, Meal and Flower, (which are the principal Commodities of this Country) from forreign parts, to be exceeding prejudicial to the subsistence of this place and people here;

Have therefore Ordered; That no person whatsoever, either Inhabitant or Stranger, shall directly or indirectly after the first of March next, import into this Jurisdiction from any part of Europe, any of the aforesaid Provisions, under the penalty of Confiscation of the same (except it be for the Ships provisions) that shall be so imported, landed, set to saile or otherwise disposed, contrary to the intent of this Order.

Marshal or Constable to seize it.

The fourth part for their pains

And it is further Ordered and Enacted, That all Marshals and Constables where no Marshal is in the several Towns in this Jurisdiction, are hereby required and impowred to make diligent search, within their respective Towns and Harbours where any such Provisions are Landed, Sold or otherwise disposed of, and to make seizure of the same for the use of the Country, for which each and every Marshal and Constable shall have allowed them, one fourth part of what shall be so seized, for their care and pains herein.

And all former Laws concerning Impost upon any of the Provisions aforesaid, are hereby Repealed. [1652, 55.]

Repealed

IT is Ordered, That the Law prohibiting bringing in of Malt from foreign parts is Repealed, so far as it respecteth the Importation of Malt.

Mills, Millers.

Millers Toll

To have weights

IT is Ordered by this Court and the Authority thereof, That no Miller shall take above one sixteenth part of the Corn he grindes; and that every Miller shall have alwayes ready in his Mill, Weights and Scales, provided at his own charge, to weigh Corn to and from Mill if men desire it. [1635. 38.]

Military.

M I L I T A R Y.

FOrasmuch as the well ordering of the Militia is a matter of great concernment to the safety and welfare of this Common-wealth;

It is Ordered by this Court and the Authority thereof; That the Military forces of *Suffolk*, *Middlesex* and *Essex*, shall be under the command of the Serjeant Majors Chosen in each County; and that the Militia of *Norfolk* shall be commanded by the Major of the Regiment of *Essex*; Provided the said Militia be not drawn out of the said County to any Regimental exercise: And if any of the said Majors be removed or discharged their places, the Major General for the time being, shall within one Moneth at furthest after such change, send forth his Warrant to each Town in the Shire, to make choice of a Major in manner following; viz. The Freeman, Householders, and such Souldiers as have taken the Oath of Fidelity, before the *fifteenth of May*, [1656.] and no other, being met together in their Respective Towns (by virtue of such Warrant from the Major General, or from the General Court) shall give in their Votes for such a person as they judge fit for the Office of Serjeant Major of that Regiment, which Votes shall be sealed up by the chief Military Officer of the place, or by the Constable (as the Warrant shall direct,) and sent by some Freeman, chosen by the Town, to carry them to the Shire Town of that County, at such time as the Warrant shall direct, where the said Votes shall be opened and numbred in the presence of one or two of the nearest Magistrates and the said Freeman, and he that shall have the greater number of Votes being a Freeman, shall be presented by one of the said Magistrates unto the Major General, within one Week after such Election, who shall by giving the Oath accustomed, and delivering him a Commission, Instal and Confirm such Serjeant Major in his place.

Militia commanded by Majors

L. 2. p. 12.

A. 56. p. 12.

Majors how and by whom chosen

2. And every Serjeant Major is hereby Ordered and Required, once in *three years* to draw his Regiment, both Horse and Foot, in one convenient place in the County, and to Instruct and Exercise the Officers and Souldiers in Military Discipline, according to his best skill and ability; for which service he shall have *twenty pounds* allowed him out of the Treasury of the Country for his pains and charges, for every such Meeting: Also every Serjeant Major, may as often as he shall see cause send his Warrants to require the chief Officer of each Company in his Regiment, to meet at such time and place as he shall appoint, and there with them to confer, and give in command such Orders as shall by them be judged meet for the better Ordering and Settling the particular Companies in Military Exercises; and to impose fines and penalties upon such Delinquents as have not given satisfaction to their Captain or chief Officer, for all defects either in their Arms, Ammunition, Appearances, Watches, Offences, &c.

Regimental meetings once in three years

Meeting of the Officers of the Regiment

And the Serjeant Major shall with the consent of the said Officers, give Order to the Clerks of the several Companies, to take distress for the same within one Moneth after such Order.

3. And for the settling particular Military Officers in every town of this jurisdiction;

Nomination of
Officers of com-
panies

To be allowed
by the County
Courts

It is Ordered, that every Freeman, House-holder and listed Souldier, having taken the Oath of Fidelity as above said, (and no other) shall have liberty to give his Vote for the Nomination of Military Officers of that Town or Company where he dwells; Provided they be Freemen, and all persons so Nominated shall be presented to the Court of that County, to be allowed and confirmed in their respective Offices, unless the said Court shall see cause to the contrary; and no person shall be acknowledged or accepted as an Officer of any Company without the allowance and approbation of the County Court first had and obtained.

A. 53. p. 13.

64 Soldiers to
be a Company

4. And in every Town where there is sixty four Souldiers (liable to attend constant Training) besides the Officers, such number of Souldiers shall be accounted a Foot Company, and have liberty of Nomination of all the Officers of a Foot Company, and shall have two Drums.

And in smaller Towns, where there shall be a less number then sixty four as aforesaid, they shall have liberty of Nomination of Serjeants, and other inferiour Officers only, to teach and instruct them in the exercise of Arms.

Capt. Lieu. Enfi.
to have commif.

And the Major of the Regiment shall have power to Order and Regulate the smaller Towns, and to joyn them into one compleat Company, (as occasion may require) which shall have liberty of choice of all Officers as aforesaid. And every Captain, Lieutenant and Ensign, shall have Commission from the General Court, for the holding of their places, and exercise of their duties.

Capt. to appoint
the Sould. Arms

To exercise 6
dayes yearly

5. The said Military Officers of every Company, shall take care that their Souldiers be well and compleatly Armed, and shall appoint what Arms every Souldier shall serve with; Provided two thirds of each Company be Musquetiers, and those which serve with Pikes, have Corislets and Head peices: And they shall exercise their Souldiers Six dayes every year, when the Captain or chief Officer shall appoint, by giving publick warning thereof, three or four dayes before the day of Exercise; Provided, that so many dayes as shall be expended by Order of the Major of the Regiment, in the Exercise of the Regiment, and in marching to and from the place of Exercise, shall be accounted as part of their six dayes.

3 chief Offc. to
punish disorders
of Souldiers

6. Also the three chief Officers of each Company, shall have power to punish such Souldiers, as shall commit any disorder or contempt upon any day or time of Military Exercise, or upon any Watch or Ward, by Stocks, Bilboes, or any other usual Military punishment, or by fine, not exceeding twenty shillings, or may commit such Offender to the Constable, to be carried before some Magistrate, who may binde him over to the next Court of that Shire, if the cause so require, or commit him to Prison

Souldiers how
to be armed

7. Every Foot Souldier shall be compleatly Armed and Furnished, the Pike-man with a good Pike well headed, Corislet, Head-peice, Sword and Snapfack; the Musquetiers with a good fixed Musquet, not under Bastard Musquet Bore, nor under three foot nine inches in length, nor above four foot three inches long, with a Priming wire, Worm, Scourer, and Mould, fitted to the Bore of his Musquet, also with a good Sword,

Rest,

Rest, Bandeliers, one pound of Powder, twenty Bullets, and two fathom of Match, upon the penalty of *ten shillings* for every defect; And all other Inhabitants of this Jurisdiction, except Magistrates and Elders of Churches, the President, Fellows and Students of *Harvard Colledge*, shall alwayes be provided of Arms, and furnished as aforesaid, under the penalty aforesaid.

Souldiers how
to be Armed
on penal of 10 s.
and other inha-
bitants

8. And if any person cannot procure Arms or Amunition, with such means as he hath, if he shall bring to the Clerk so much Corn as by apprizement of the said Clerk and two other indifferent men (whereof one to be chosen by the party) shall be adjudged of greater value by a fifth part then such Arms or Amunition is of, he shall be excused of the penalty for want of Arms until he be provided; And the Clerk shall endeavour to furnish him so soon as may be by sale of such Goods so disposed, rending the party the overplus.

Wanting Arms,
to carry pay to
Clerk to give

But if any person shall not be able to provide himself Arms and Amunition, through meer poverty, if he be single, he shall be put to service by some Magistrate, or the Constable shall provide him Arms and Amunition, and shall appoint him when and with whom to earn it out.

Poor how to be
furnished with
Arms

9. Every person above the age of sixteen years, shall duely attend all Military Exercise and Service, as Training, Watching, Warding, under the penalty of *five shillings* for every fault, except Magistrates, Deputies and Officers of Court, Elders and Deacons, the President, Fellows, Students and Officers of *Harvard Colledge*, and professed School-masters, Physicians and Chyrurgeons allowed by two Magistrates, Treasurers, Surveyor General, Publick Notary, Masters of Ships and other Vessels above twenty Tuns, Fishermen constantly employed at all fishing seasons, constant Herdsmen and such other as for bodily infirmity or other just cause, shall by any County Court, or Court of Assistants (after notice of the parties desire to the chief Officer of the Company to which he belongs) be discharged; also one servant of every Magistrate and Teaching Elder, and the Sons and Servants of the Major General for the time being, also such as dwell at remote Farms, or have a Ferry to pass, shall be exempt from Watching in the Town, but shall Watch and Ward as their chief Officer shall direct otherwise; and all Farms distant above four miles from the place of exercising the Company, or have a Ferry to pass over, that have above twenty Acres of Land in Tillage, and twenty Head of great Cattle upon such Farm, shall upon reasonable allowance to the Company, have one man exempted from ordinary Trainings.

A. 52. p. 13.

Persons exempt
from Training

A. 56. p. 12.

A. 53.

10. And it is Ordered, That in every Town or Company there shall be chosen (as other Military Officers are chosen) a discreet able man to be Clerk of the Band, and if any shall refuse to accept the place, or to take his Oath, he shall pay to the use of the Company *forty shillings* and the Company shall chuse another, and all that refuse the place or Oath as aforesaid, shall pay *forty shillings* a piece, till one doth accept the place, and he that doth hold the place, shall have a fourth part of the fines for his labour. And the Clerk shall upon every Training day twice, once in the forenoon, as also in the afternoon; at such time as the Captain or chief Officer then in the field shall appoint, call or cause to be called over, the Lists of the names of all the Souldiers, and shall give attendance in the Field all the day (except he have leave from his Captain or chief Officer) to take notice of any defect by absence of Souldiers or other offences that may fall out in time of Exercise.

Clerk of the
Band

To call a Roll &
attend on train-
ing dayes

To view the
Arms

And the said Clerk shall twice every year view all Arms and Amunition of the Company, and take notice that every Souldier be furnished according to this Law; to which end, by direction of the chief Officer, he shall give notice to the Souldiers, that upon such a Training day appointed; they are required to bring (in the forenoon) all their Arms and Amunition into the field, where they shall be approved or disallowed by the judgement of the said chief Officer then in the field; And further the said Clerk shall once in the year at least, Survey the Arms of all other Inhabitants, and see that all (except as before excepted) be provided in their Houses with Arms and Amunition, and upon every occasion, he is required to use all diligence to view every mans Arms, whether they be compleatly furnished with all Arms and Amunition as the Law requireth.

Give notice to
the Captain of
all defects

to disreim with
in ten dayes

And the said Clerk shall within one week after any default made, or defect observed, present a List of the Names of all that are Delinquent; and of their defects to the Captain or chief Officer of the Company: and shall without partiality demand and receive all fines due for such defects, according to this Law; which if any shall refuse to pay, he shall make distress upon the Goods of such persons, as shall not within *ten dayes* after their default be discharged, or have their fines mitigated by the Captain or chief Officer of the Company, unless the said chief Officer shall see cause to refer the Judgement and Determination of such default to the Major and chief Officer of the Regiment at their meeting.

To dispose of
fines for the use
of the Company

And the Clerk shall with the advice of the chief Officers of the Company, speedily lay out all fines received or leaved, in *Ensigne, Drums, Halberts, Candle and Wood for the Watch*, or provide *Powder and Arms* for the poorer sort, or otherwise as in their discretion they shall judge meet, for the use of the Company.

11. *And for the better ordering the Militia in the severall Towns, in cases of any suddain exigent;*

A. 52. p. 14.
C. 53.

Committee of Mi
litia in the sever
ral Towns

It is Ordered, That there be a Committy of Militia in every Town; and that the Committy of Militia in *Boston*, shall consist of the Magistrates living in the Town, the chief Officer of the Horse, if living in Town, and the chief Officer of each company of Foot, or the greatest part of them, and in suddain exigents, any three of them may act when due means being used a greater number cannot be assembled; which Committy shall have a Commission, who shall also have power to appoint a Military Watch, when they shall see cause, for the safety of the Town and Country; And *Charlstown, Salem* and *Ipswich* shall have the like Committy of Militia, who shall have like power by Commission: and for all other Towns where there is one or more Magistrates, the said Magistrate or Magistrates, with the three chief Military Officers; and where no Magistrate dwels, the Deputy or Deputies of the General Court, with the three chief Officers of such Town, or any three of them, shall be the Committy of Militia for such Town, and have power in all suddain exigents, to order and dispose the Militia of their Town, for their own safety and defence, till further Order be taken, and upon Alarm, or any Invasion, to strengthen their quarters, and to hinder any approaching or assailing them in a way of Hostility, by bearing Arms in Companies, or refusing upon such approaches to come under command, or give an account what they are, and wherefore they are in such posture.

Their power

In case of Alarm

And every such Committy, where any such Alarm shall be given or received, or shall be assaulted as aforesaid, is required with all possible speed

speed to give intelligence to the next Magistrate, and the Major of the Regiment where such Alarm is taken, or assault made of the reason thereof, and state of the place so assailed.

And the said Major is hereby required to send forth to procure intelligence of the estate of any place so Alarm'd or Assaulted, and to Order Assistance to them from any other company or companies of his Regiment, as the case shall require; and shall give constant intelligence to the Governour or Council of the Country, and Major General of the state of such affairs with all convenient speed.

But no Major of any Regiment shall march with his Regiment out of the County wherein he hath command, nor cause any part thereof to do without Order from the General Court, Council of the Common wealth, or Major General, except it be in pursuit of the Enemy upon a Rout.

And in case of Death or absence of the Major, upon any such occasion of service, the eldest Captain of the Regiment shall supply his place till further Order be taken; and the seniority of all Captains and chief Officers of every Company in the several Regiments, shall be accounted according to the seniority of the Towns or Companies they command, except the Commanders of the four Companies of *Boston*, being of equal standing, the seniority of the Captains shall be according to the priority of their Commissions.

It is further Ordered, That henceforth all Warrants for impressing and raising of Souldiers, for any expedition, shall be directed to the Committe of Militia of the several Towns, who may execute the same by the Constable, and the said Committe are hereby impowred and required to suppress all raising of Souldiers, but such as shall be by the Authority of this Government.

And in all Towns where there are great Artillery, Forts or Batteries, the Committe of Militia, and Select men of the Town, shall mount such Guns, and fit them with appurtenances for service, and repair such Forts or Batteries as they shall see necessary for the security of the Town, the charge whereof the Select men are hereby impowred and required to leave on the Estate of the Inhabitants, according to the proportion of the Country Rate, to be collected by the Constables of the said Town, for the use aforesaid.

To give notice to the Major

Major to Order Assistance

To give intelligence to the Council and Major General

Major not to lead his Regiment out of the County

Seniority of Captains

A. 53.
A. 56 p. 12.

Committe to press Soldiers

A. 54 p. 3.

A. 55.

To take care of great Guns

and repair Forts

Committe of Militia

Military Watches how set

VV Hereas in the Law tit. Military, Sect. 11. the three chief Military Officers in each Town except Boston, together with the Magistrates or Deputies thereof, are appointed a Committe of Militia for such Towns without mentioning the Officers of the Horse, to be of that Committe;

This Court doth Declare, That the Commission Officers of the Horse in the Town where they dwell, shall be added thereto, and hereby are appointed and impowred to be of the Committe of Militia for such Towns where they dwell; Any Law or Custome to the contrary notwithstanding. [1664.]

12. It is Ordered, That the Military Watches shall be set by beat of Drum half an hour after Sun set, by the Military Officers in such places as they shall judge most convenient, and shall be Ordered and Disposed by their command and direction; And if any man shall shoot off a Gun

after the Watch is set (except in case of Alarm) he shall forfeit *forty shillings*.

Instruction and
duty of Sentinels

The said Watch or Sentinels being set, shall examine all persons that shall come within their Watch or Round, and all they suspect they shall carry to their Guard, there to be kept till morning, and before they be dismissed, they shall carry them to their chief Officer to be examined and proceeded with according to law;

And if the Sentinel or Watch shall meet with such persons as shall be too strong for them, or by their carriage shall give just cause of suspicion, or will not submit to their command, or if they shall either draw upon them, or offer any such affront in Words or Actions, as shall put them in fear or hazzard of their lives, they shall discharge upon them, and retire with speed to the Guard and raise an Alarm; Provided alwayes that in time of peace, when the Council of War, or the chief Officers of the Company shall not apprehend present danger by the nearness of an Enemy, it shall not be in the liberty of any Sentinel to hazzard the killing of any person, except in his own necessary defence; but if the cause require it, he shall retire to the Guard and raise an Alarm by discharging his Musquet and crying Arm, Arm, which shall be taken for an Alarm by the Souldiers of that Town; and if there appear danger to the chief Officer, he shall either strengthen his Guard, or give a general Alarm, which shall be either the distinct discharge of three Musquets, or the continued beat of the Drum, or firing a Beacon, or the discharge of a piece of Ordnance and two Musquets after it, any of which in the night shall be accounted a general Alarm, which every Souldier is immediately to answer, by repairing Armed to his Colours or Court of Guard, upon the penalty of *five pounds*.

What shall be
taken for an Alarm.

Not answering
the Alarm penalty 5 li.

Smiths to repair
Arms

Penalty

13. And upon any expedition, upon occasion of any Enemy, or any present Military Service to be done, all Smiths and other needful workmen, shall immediately repair such Arms and other Necessaries as shall be brought unto them for that end, for which, they shall not refuse such pay as the Country affords, upon the penalty of *five pounds* for every such default, and for such neglect at any other time more then ten dayes, shall forfeit for every such offence *ten shillings*.

A. 56. p. 12. 14. The Surveyor General shall yearly give an account of the common stock of Powder and Amunition to the Council, that the General Court being by them informed, may out of the publick Treasury make a constant supply according to the need of the Country.

L. 2. p. 1. 15. Every Town shall be provided of a sufficient Watch house, under the penalty of *five pounds*, and shall also provide at their own charges a safe and convenient place to keep all such Powder and Amunition in, as the chief Military Officer by Order of the General Court shall appoint, under the penalty of *ten pounds*.

Towns to provide watch-houses and stock of Powder and Amunition

And the Select men of every Town, shall provide for every fifty Souldiers, one Barrel of good Powder containing near one hundred pounds, one hundred and fifty pounds of Musquet Bullets, and eight and twenty pounds of good Match, and after that proportion for every Company of Souldiers; in number more or less; which they shall carefully renew from time to time as shall be needful, under the penalty of *five pounds* for the want of every Barrel of Powder, one hundred and fifty pounds of Bullets and eight and twenty pounds of Match as before mentioned, and the

the Select men of every Town as aforesaid, are hereby Authorized to assess their Inhabitants for making the provisions aforesaid, which shall remain as a Town-stock, besides all other Provisions of that kinde. [1649.]

16. It is Ordered by this Court and the Authority thereof; That no Troop of Horse within this Jurisdiction, shall exceed the number of seventy Listed Souldiers besides Officers; and that the Troops raised in the several Counties be under the Command of the Majors of the Regiment in the respective Counties, and all priviledges formerly granted to incourage Troopers shall be continued, except free Ferrage, and free Commonage in divided and appropriate Commons: And every Troop consisting of forty, shall have liberty of Nomination of all Officers to be allowed and confirmed by the County Courts as the Foot Officers, and the three chief Officers to have Commissions.

A. 56. p. 12.
Troop not exceed 70 to be under Majors command.

A. 54 p. 1.
A. 56. p. 12.

And every Trooper shall keep alwayes a good Horse, and be well fitted with Saddle, Bridle, Holsters, Pistols or Carbines and Swords, under the penalty of *ten shillings* for every defect, and having Listed his Horse, shall not change or put him off without License from his Captain or chief Officer under the like penalty.

Troopers how to be furnished

And every Trooper shall attend six dayes exercise yearly, at such time and place as shall be appointed by the chief Officer, under the penalty of *five shillings* for every default, to be leavied and distreined by the Clerk of the Troop, who is hereby required to execute the place as the Clerks of the Foot Companies *mutatis mutandis*.

To exercise six dayes yearly

And because the Troopers living remote do often avoid their penalties, or occasion much travail and charge to the Clerk to collect the same;

It is Ordered that the Clerks of the Troops for their charge and travail in leavying all fines, shall be allowed the Fees of the Marshal, to be by him leavied and distreined together with the fines; Provided no such distress be made within one Month after the default, that the parties may have liberty to present their excuses to the Officers, who have power upon just cause to abate or remit the fines, as the Officers of the Foot have in like cases.

Clerk his fee

And in case of Alarm, every Troop shall fit himself in all respects for service, and shall speedily repair to the Guard in the Town where he dwells, under the penalty of *five pounds*, and shall duely attend such service as the Committee of Militia of that Town shall require, until he shall otherwise be commanded by Order from his Captain or other Superiour Officer: And no Officer of any Foot Company shall be a listed Trooper. And no Troop shall be drawn out of the County upon any pretence by the Captain and Officers thereof (except in pursuit of an Enemy upon a Rout) but by Order of the Major General. And the Captains of Horse and of Foot respectively, the Majors of the Regiments, and the Major General are required in their respective charges, to take care the Military Orders respecting Foot and Horses be duely executed and observed. [1645, 47, 48, 52, 53, 54, 55, 56.]

A. 53.

How Troops are disposed in case of Alarm

No Troop to be drawn out of the County

Also it is Ordered; That no Trooper put off or change his Horse without leave from his Commander, under the penalty of *five pounds*, and that for non-appearance on dayes of exercise, the fine shall be *ten shillings*, and that no Trooper being Listed may at his pleasure disband himself without leave orderly obtained from his Commander, and returned by certificate to the Commander of the Foot in the Town to which they belong, under the penalty of such a fine as his chief Officer shall impose, not exceeding *fifty shillings*.

Troopers penalty

FOr a more full and clear understanding of the intent of this Court in reference to Commissions granted to Military Officers;

Officers Com-
missions

It is Ordered and hereby Declared, That all Commissions of inferior Officers be and do stand good and in force, notwithstanding the death or removal of their Superior Officers.

Order in
Souldiers to be
punished by the
Officers

It is also further Ordered, That all trained Souldiers, whether Horse or Foot, shall repair to their several Quarters and lodge their Arms, immediately after their dismissal on upon Training dayes: And whosoever shall either singly or in companies remain in Arms, and vainly spend their time and Powder by inordinate shooting in the day or night after their Release; such Souldiers upon conviction shall be punished by their Superior Officers order, upon the next Training day at the head of the Company, by sharp Admonition, or otherwise, with any usual Military punishment at the discretion of the chief Officer: Provided the Magistrate have not taken notice of the matter before.

It is also further Ordered; That all Souldiers, whether Horse or Foot, who shall disobey the lawful commands of their Superior Officers upon any Training day, either in time of exercise in the Body, or otherwise refusing to perform any service which their Officers in their discretion shall judge expedient in order to the furtherance and promoting Military work; such refractory Souldiers shall be punished either by Admonition or otherwise, at the head of the Company with any usual Military punishments, at the discretion of the chief Officers.

Repealed.

It is also further Ordered, and be it hereby Enacted, that the Law limiting Troops, not to exceed seaventy per ons in a Troop, as also for allowance of five shillings per Annum is hereby Repealed, in reference to any that shall be listed after the publication of this Order.

And that henceforth none shall be admitted to be a lited Trooper, but such whom themselves or Parents under whose government they are, do pay in a single Country Rate for one hundred pounds estate; and in other respects qualified as the Law provides: And the same certified under the hand of the Constable of the Town where they live. [1663.]

Military Watches

FOrasmuch as complaints have been made to this Court, of very great inequality in keeping and maintaining of Military Watches, the burthen of that service ying mainly, if not altogether upon such as bear Arms, when several persons of good Estate are free; All which considered,

It is Ordered, that henceforth all persons whatsoever, within this Jurisdiction, who are liable to serve in Constables Watches, shall also be liable to the like service in all Military Watches, either in their own persons, or by a sufficient supply to be made by all such persons as afore-said, or shall pay twelve pence in money, and that under the penalty of five shillings for every such neglect, to be leavied by the Clerk of each Company, by Warrant under the hand of the chief Officer of the same. [1664.]

VV Hereas this Court hath already provided for the well ordering and settling the Militia of this Common-wealth, as in the Law tit. Military, yet forasmuch as many Complaints are presented to this Court, that the said Orders are not so attended as is to be desired; considering the present juncture of affairs between our English Nation and foreign Enemies, who are now engaged in a Bloody War, which calls for a prudential endeavour of our own safety against any foreign Invasion or sudden Surprizal;

This Court doth therefore Order and Enact, That the said Military Laws be by all persons therein mentioned, forthwith attended in all respects; And for the better effecting the same, the Major General is required forthwith by warrant under his hand to the Majors of the several Regiments, to require them to make diligent inquiry into the state of the several Companies under their charge, and to be certified under the hands of the Commission officers, or chief Officers where no Commission Officers are of each Company, of all defects of Arms, Amunition or otherwise in every respect; And the said Majors respectively are required to give speedy advice to the Major General what posture their said Regiments are in, and wherein the said Majors cannot of themselves forthwith make redress of any defects in the said Companies, the said Majors with the advice of the Major General have hereby power to use all lawful means to effect the same.

And all inferiour Officers are hereby required to yield ready Obedience to all such Warrants sent to them by the said Majors respectively, or Major General, upon the penalty of five pounds for every such defect, to be levied by distress by such person as the said Major General and Majors of the Regiments shall depute, which said fines shall be for a stock of Powder for the said Company where the defects arise from time to time.

Major General & Majors power to see that all the Arms of the Country be ready hnt

Five pounds penalty for defects of inferiour Officers

All the fines to go to procure a stock of powder for the company where the defects arise

And whereas several Towns in this Jurisdiction, are not under the Command of any Serjeant Major, as Dover, Portsmouth, &c. as also the Towns of the County of Hampshire;

It is Ordered, That the Major General take care for regulating of the Military affaires of such Towns, till they are brought under a Major as in other Counties; And all Military Officers of such places are required obedience to the Orders of the Major General from time to time, upon the penalty above mentioned for every defect. [1666.]

The several Towns that are not under Majors of Regiments to be regulated & ordered by the Major General

VV Hereas the Law, tit. Military Sect. 7. requires every Pike man to be completely furnished (amongst other weapons with a sufficient Corset) This Court considering that Corsets are wanting to many Souldiers in several Companies, and that supplies therein are not easily to be attained;

It is therefore now Ordered, and by the Authority of this Court Enacted; That every Pikeman within this Jurisdiction, shall be completely furnished, either with a sufficient Corset, Buffe Coat or Quilted Coat, such as shall be allowed by the chief Officer, under whose command they from time to time shall serve, upon the penalty in the recited Law already expressed; any Law, Custome or Usage to the contrary notwithstanding. [1666.]

Pike men to provide Buffe Coats or Quilted coats

How Officers are
to be chosen

T His Court considering the direction of our Patent, regulating to the stating of all Military Officers in this Jurisdiction;

Do hereby Order and Declare; That all Commission Officers that at present are in power, are confirmed according to their respective Commissions; but for the time to come where new are to be chosen, it is only in the power of the General Court, or in case of emergency for the Council of the Common-wealth, to Nominate, Choose, Appoint, and Impower all Commission Military Officers, excepting the Major General, and Admiral by Sea, the choice of whom are otherwise provided for by Law; and for all inferiour Officers in Companies, they are to be chosen and appointed by the Commission Officers of that Company, and where no Commission Officer is by the Major of the Regiment. [1668.]

Regimental
meetings

T He Court considering that the Regiments are multiplied from three to six since the Law was made, requiring the Serjeant Majors of every Regiment to draw forth his Regiment once in three years, to exercise them in Military Discipline:

Do Order, That henceforth the Regimental Meetings shall be in this following Order; i.e.

Suffolk this present year, 1671.

Norfolk including the County of *Portsmouth* and *Dover*, 1672.

Middlesex Anno 1673.

Yorkshire Anno 1674.

Essex Anno 1675.

Hampshire Anno 1676.

And so to be continued in this Order successively from time to time.

And the Majors of *Norfolk*, *Yorkshire* and *Hampshire* are allowed towards their expenses and entertainment, occasioned by that service ten pounds a piece respectively for the time of that service, to be paid by their respective County Treasurers.

And it is also Ordered, That henceforth the allowance of twenty pounds a piece granted formerly to the Majors of the three old Regiments, shall be paid by the County Treasurers respectively, for such their service, any thing contrary hereunto contained in the Military Law, Sect. 2. notwithstanding. [1671.]

M I N E S.]

L. 2. p. 11.
Discoverers of
Mines to enjoy
the profit for 21
years

For encouragement of such as will adventure for the discovery of Mines; It is Ordered by this Court, That whosoever will be at the charge for the discovery of any Mine within this Jurisdiction, shall enjoy the profits thereof, with a fit proportion of Land to the same, for twenty one years.

years to their proper use, and also that such persons shall have liberty to purchase the interest of any of the Indians in such Lands where such Mines shall be found, provided they shall not enter upon any Towns or persons Propriety without his leave. [1641.]

2. And any Inhabitant within this Jurisdiction, that shall have or finde any kinde of Mine or Mines whatsoever, in any of their own proprieties, the whole benefit and profit of such Mines are due and shall be long to such Proprietor of Land wherein such Mine shall be found, to them and to their Heirs for ever, as any part of their Lands, Minneries, Possessions or Profits whatsoever, paying onely the fifth part of Gold and Silver Oar according to proviso, made on that behalf.

MONEY.

IT is Ordered by this Court and the Authority thereof; That a Mint-house be Erected at *Boston*, and that the Master of the said Mint, and all the Officers thereof shall be sworn and allowed by this Court, or by such as shall be Authorized by this Court for that purpose.

A. 52. p. 12:

Mint house at
Boston

And all persons whatsoever, have liberty to bring into the said Mint, all Bullion, Plate or Spanish Coyn, there to be melted, and brought to Alloy of Sterling Money by the Master of the said Mint and his sworn Officers from time to time, by him or them to be Coynded into *twelve penny, six penny, and three penny pieces*, which shall be stamped with a double Ring on either side, with this Inscription, MASSACHUSETTS and a Tree in the center on the one side, NEW-ENGLAND with the year of our Lord, and the figure XII. VI. III. according to the value of each piece on the other side, together with a privie mark, which shall be appointed every three Months by the Governour, and known onely to him and the sworn Officers of the Mint.

Stamp of the
Coyn

And further, the Master of the Mint aforesaid, is hereby required to Coyn all the said Money of good Silver, of the just Alloy of new Sterling English Money, and for value *two pence* in the *shilling* of lesser value then the present English Coyn, and the lesser pieces proportionably: And all such Coyn as aforesaid, (and no other except English) shall be acknowledged to be the currant Money of this Common-wealth, and to pass from Man to Man in all payments accordingly within this Jurisdiction.

Value of the
Coyn

And the Mint master for himself and Officers, for their pains and labour Melting, Refining and Coyning is allowed by this Court to take *one shilling* out of every *twenty shillings*, which he shall stamp as aforesaid, and it shall be in the liberty of any person, who brings into the Mint-house any Bullion, Plate or Spanish Coyn, to be present and see the same Melted, Refined and Alloyed, and then to take a Receipt of the Master of the Mint for the weight of that which is good Silver Alloyed as aforesaid, for which the Mint-master shall deliver him the like weight in currant Money, viz. every *shilling* to weigh *three pence Troy weight*, and lesser pieces proportionably, deducting allowance for Coynage as before is expressed.

Allowance for
CoyningWeight of the
Coyn

Mint masters &
Officers to be
known

And it is further Ordered: That a Committee be chosen by this Court to appoint a Mint house in some convenient place in Boston, and to approve and swear the Master and all the Officers, and to Order and Determine what shall further appear necessary to carry on this Order to effect.

A. 54. p. 5.

Exportation of
Coyn prohibited
on pain of con-
fiscation of estate

2. And it is further Ordered; That no Inhabitant of this Jurisdiction or Stranger, shall from henceforth send, carry or transport out of this Jurisdiction, by Sea or by Land, directly or indirectly, any of the Money that hath been or shall be Coyned in this Jurisdiction, except twenty shillings for necessary expences, on penalty of Confiscation, not only of such money so Coyned; but also all the visible estate of him that shall any way be found sending or exporting any of the Coyn aforesaid, one third part whereof shall be to the use of the Informer and Officer, the other two thirds to the Country.

And that this Law may be duely observed;

Searchers to be
appointed

The County Courts shall from time to time, as there shall be need in Boston, Charlstown, Salem, Ipswich, Pascataqua, Isles of Shoals, Sudbury, and other needful places, appoint and Authorize meet persons, as Searchers, to examine and search all Persons, Vessels, Packs, Trunks, Chests, Boxes, or the like, that shall be transporting out of this Jurisdiction; who finding any Money shall seize the same, and forthwith inform the next Magistrate thereof, who shall issue out his Warrant for the present seizure of the whole visible Estate of the party so transporting contrary to this Law, for the use of the Commonwealth; And for the parties searching or informing as is above exprest.

To take an Oath

And it is further Declared, That all such Masters, Mariners or other persons, that shall be found to be privy or consenting to the exporting of any of the Coyn aforesaid, out of this Jurisdiction, he or they shall for every such offence forfeit the sum of twenty pounds a piece, to be to the uses aforesaid; And the several Searchers shall take the Oath appointed for Searchers, only in stead of half, a third part to be inserted, and in stead of certifying the Auditor General, to insert to certify the next Magistrate. [1652. 54.]

For the better execution of the Law pag. 62. sect. 2. for the restraining the Exportation of Money;

It is Ordered by this Court and the Authority hereof, That the persons hereafter named, viz.

For Boston, Captain James Oliver, and Mr. Thomas Brattle or either of them.

Commissioners
to search for
Money, &c.

For Charlstown, Captain John Allen.

For Salem, Mr. Edward Batter.

For Pascataqua, Mr. Elias Stileman.

For Marble-head, Mr. Samuel Ward.

For Dedham, Ensign Fisher.

For Braintry, Moses Pain.

For Malberow, William Kerly.

For Springfield, Laurence Bliss.

Be all and every of them appointed, impowered and required to search for, and seize all Monies of the Coyn of this Jurisdiction, that shall be found or discovered in any Ship or any other Vessel that hath weighed Anchor to depart

depart from that Port where she ladeth, or all such Money that shall be found in any persons Pocket, Cloak-bag, Portmantle, or any other thing belonging to them, after such person hath taken Horse-back, to proceed and travail in his or their Journey out of this Jurisdiction, from the first Town or Station whence such persons begin their Travail. And all Money that such Searcher shall finde (except so much as is allowed by Law) he shall safely keep it until the next Court of the Shire, and then present the same unto the said Court; and if it be judged by the Court to be forfeited according to Law, then the said Court are required to order the delivery of one third part to the Officer that seized the same, and the other two third parts to return to the publick Treasury of the Country.

And it is further Ordered, That the Searchers before-named, are hereby impowred to break open any Chest, Trunk, Box, Cabin, Cask, Truss, or any other suspected place or thing, where they or any of them conceive Money may be concealed, and seize the same: And also they or either of them are impowred to require such Assistance from any Constables or others, as to them may seem expedient, who are to aid them upon the penalty of forty shillings fine for every neglect. [1669.]

MONOPOLIES.

It is Ordered, Decreed, and by this Court Declared; That there shall be no Monopolies granted or allowed amongst us, but of such new inventions that are profitable to the Country, and that for a short time. [1641.]

Oaths Subscriptions.

It is Ordered, and by this Court Declared; That no man shall be urged to take any Oath, or subscribe to any Articles, Covenants or Remonstrances of Publick and Civil nature, but such as the General Court hath considered, allowed and required; and no Oath of any Magistrate or of any Officer, shall binde him any further or longer then he is resident or reputed an Inhabitant of this Jurisdiction, [1641.]

No Oaths but what are imposed by the General Court

Officers Oath how long binding

2. Forasmuch as divers Inhabitants of this Jurisdiction, who have long continued amongst us, receiving protection from this Government, have as we are informed uttered offensive Speeches, whereby their fidelity to this Government may justly be suspected, and also that divers Strangers of foreign parts do repair to us of whose fidelity we have not that assurance which is commonly required of all Governments;

A. 32. P. 9.

Strangers to
swear fidelity to
this Governm.

It is therefore Ordered by this Court and the Authority thereof; That the County Courts of any one Magistrate out of Court, shall have power, and is hereby Authorized to require the Oath of Fidelity of all settled Inhabitants amongst us, who have not already taken the same, as also to require the Oath underwritten of all Strangers, who after two Months have their Abode here; And if any person shall refuse to take the respective Oath, he or they shall be bound over to the next County Court or Court of Assistants, where if he shall refuse, he shall forfeit five pounds a week, for every week he shall continue in this Jurisdiction after his said refusal, unless he can give sufficient security to the satisfaction of the Court or Magistrate for his Fidelity during his or their residence amongst us:

Strangers Oath.

You A. B. do acknowledge your self subject to the Laws of this Jurisdiction, during your residence under this Government; And do here Swear by the great Name of the Everliving GOD, and engage your self to be true and faithful to the same, and not to Plot, Contrive or Conceal any thing that is to the hurt or detriment thereof. [1652.]

OPPRESSION.

For avoiding such mischiefs as may follow by such indisposed persons, as may take liberty to oppress and wrong their Neighbours, by taking excessive Wages for their Work, or unreasonable prizes for such Merchandizes or other necessary Commodities as shall pass from Man to Man;

It is Ordered; That if any Man shall offend in any of the said cases, he shall be punished by fine or imprisonment, according to the quality of the offence as the Court to which he is presented, upon lawful tryal and conviction shall adjudge. [1635.]

PAYMENTS.

A. 54. P. 4.

Debts to be paid
in the kind con-
tracted for

It is by this Court Ordered and Declared; That all Contracts and Engagements for Money, Corn, Chattel or Fish, shall be satisfied in kinde according to Covenant, or in default of the very kinde contracted for, in one of the said kindes; Provided that in such cases where payment in kinde is not made according to Covenant, all just damages shall be satisfied (together with the Debt) for not paying in kinde according to bargain,

bargain; And in no case shall any Creditor be forced to take any other Commodities for satisfaction of his debt, unless it be according to his Contract, but it shall be lawful for such Creditor to imprison the party till he make satisfaction according to Covenant, or to take upon Execution such Goods, Houses or Lands, as shall be to his satisfaction; any Law, Custome or Usage to the contrary notwithstanding. [1654.]

Debts to be paid
in the same
contract

VV *Hereas the Law tit. Payments pag. 63. doth make Corn, Cattle and Fish equal with Money and to be paid as Money, when Money is intended for, which at that time when the Law was made was as good as Money, but now is otherwise, and proveth prejudicial and injurious, as experience sheweth upon several accounts: therfore as an Addition to, and explanation of that Law;*

This Court doth Order and Enact, That henceforth all Contracts, Agreements, Engagements or Covenants for any specie whatsoever, shall be paid in the same specie Bargained for; Any Law, Usage or Custome to the contrary notwithstanding. [1670.]

All contracts &
agreements to be
made and by
payment in spe-
cie contracted
for, &c.

PETITIONS.

IT is hereby Ordered; That all Petitions to the General Court, which are of a common and ordinary nature, the Petitioner shall pay on the delivery thereof to the Secretary or Clerk two shillings six pence for each Petitions; And all Petitions for abatements of fines, mitigation of penalties, &c. shall pay unto the Clerk or Secretary as aforesaid ten shillings; And all Petitions for Gratuities, or that concern Controversies between party and party, Town and Town shall pay ten shillings; And all Petitions for Debts, or other controversies between party and party brought from Inferiour Courts, shall pay ten shillings besides the charges of the Court during the trial of such cause.

L. 2 p. 13.

Payment for en-
tering Petitions
in the General
Court

And henceforth no Petition whatsoever, shall be received into the General Court, after the first four dayes of the Court of Election, nor after the first week of any other Session.

A. 54. p. 1.

Nevertheless, It is hereby Ordered; That all such Petitions that concern any engagement of the Country to any person, are hereby exempted; And that any Magistrate or Deputy of the Court may present any Petition, wherein his own personal right is concerned without payment, and that there shall be a true Entry made by the Secretary of the number of Petitions that shall be delivered to the Magistrates, and the like account shall be kept by the Clerk of the Deputies, of all Petitions received by the Deputies, and all such fees as are produced by such Petitions, shall be received or secured by the Secretary or Clerk, and discounted in part of their Annual allowance. [1648, 54.]

Time of Entry

petitions exempt
from payments
Secretary and
Clerk to secure
the pay

PIPE-STAVES.

VV Hereas information hath come to this Court from forraign parts, of the insufficiency of our Pipe-staves, especially in regard of worm-holes, whereby the Commodity is like to be prohibited in those parts, to the great damage of the Country;

Searchers of
Pipe-staves

Sworn

Affize of Pipe-
staves

Pipe-staves shipt
unsearched to
be forfeit

Searchers al-
lowed

Masters of Ships
receiving un-
searcht Staves
forfeits 5 li.

Dry Cask staves

It is therefore Ordered by this Court and the Authority thereof; That the Select men of *Boston, Charlstown, Salem, Dover, Portsmouth, Kitterie,* and all other Towns in this Jurisdiction, where Pipe-staves use to be shipped, shall forthwith, and so from time to time, as need shall require, nominate two men of each Town, skilful in the Commodity, and such as can attend the service, to be viewers of Pipe-staves, who so chosen, shall by the Constable be convented before some Magistrate, to be sworn diligently and faithfully to view and search all such Pipe-staves as are to be transported to any parts of *Spain, Portugal,* or within either of their Dominions or elsewhere, to be used for making of tight Cask, who shall cast by all such as they shall judge not Merchantable, both in respect of worm-holes and due Affize, viz. that are not in length *four feet and half,* in breadth *three Inches and half* without sap, in thickness *three quarters of an inch* and not more or less then an eighth part of an inch then *three quarters* thick, well and even hewed and sufficient for use.

And they or some one of them, shall at all times upon request give attendance, and they shall enter into a Book the number of all such Merchantable Pipe-staves as they shall approve, and for whom.

And if any Man shall put aboard any Ship or other Vessel any Pipe-staves other then shall be so searched and approved, to the end, to be transported to any part of *Spain or Portugal,* except they should be shipped for dry Cask, he shall forfeit the same whole parcel or the value thereof, and the said Viewers shall be allowed *two shillings* for every thousand of Pipe-staves which they shall so search, as well the Refuse as the Merchantable, to be paid by him that sets them on work.

And if any Master or other Officer of any Ship or other Vessel, shall receive into such Ship or Vessel, any parcel of Pipe-staves, to be transported into any of the said Dominions, which shall not be searched and allowed as Merchantable, and so certified by a note under the hand of one of the said Viewers; such Master shall forfeit for every thousand of Pipe-staves so unduely received *five pounds,* except he can procure one of the said Viewers to come aboard and search such Staves as they shall be delivered into the Ship:

Provided, Cast or Refuse Staves, or other Red Oak Staves may be transported into those parts (which may be of good use for Dry Cask) so as the same be carried in distinct parcels, and not intermixt with Merchantable Staves. [1646.]

P O O R.

IT is Ordered by this Court and the Authority thereof; That any Shire Court or any two Magistrates out of Court, shall have power to determine all Differences about lawful settling and providing for poor persons; and shall have power to dispose of all unsettled persons into such Towns as they shall judge to be most fit for the maintenance and imployment of such Persons and Families, for the ease of this Country. [1639.]

And for the avoiding of all future inconveniences referring to the settling of poor people that may need relief from the place where they dwell;

It is Ordered by this Court and the Authority thereof; That where any person with his Family, or in case he hath no family, shall be resident in any Town or Peculiar of this Jurisdiction for more then three months, without notice given to such person or persons by the Constable or one of the Select-men of the said place, or their Order, that the Town is not willing that they should remain as an Inhabitant amongst them; And in case after such notice given, such person or persons shall notwithstanding remain in the said place, if the Select-men of the said place shall not by way of complaint, Petition to the next County Court of that Shire for relief in the said case, and the same prosecuted to effect; every such person or persons (as the case may require) shall be provided for, and relieved in case of necessity, by the Inhabitants of the said place where he or shee is so found.

Order that settle poor

And it is further Ordered, That each County Court shall from time to time hear and determine all Complaints of this nature, and settle all poor persons according to directions of this Law, in any Town or Peculiar within this Colony; and every such person or persons shall accordingly, be entertained and provided for by the Select-men or Constable of the said place, at a Town-charge; And in case any Town or Peculiar shall finde themselves agrieved at such disposure of the County Court, they may Appeal to the next Court of Assistants; And where any person or persons cannot according to this Law be settled in any Town or Peculiar, they shall then be placed in any Town of that County wherein they are found, according as the County Court shall appoint, and their charges satisfied unto them by the County Treasurer.

P O S S E S S I O N.

THe Court taking into consideration the great neglect of many persons, in the Infancy of these Plantations, to observe any due order or legal course for the confirmation of such Sales and Alienations of Houses and Lands, as have passed from man to man, which thing may several wayes be of very evil Consequence to Posterity.

A. 53. p. 28.

Title to Inheri-
tances limited
Within 5 years

Doth therefore Order and hereby Enact; That any person or persons, that hath either himself or by his Grantees or Assignes, before the Law made for direction about Inheritances, bearing date *October the nineteenth, one thousand six hundred and fifty two*, Possessed and Occupied as his or their own proper Right, in fee simple, any Houses or Lands within this Jurisdiction, and shall so continue, whether in their own Persons, their Heirs or Assignes, or by any other person or persons, from, by or under them, without Disturbance, Let, Suit or Denial legally made, by having the Claim of any person thereto, entred with the Recorder of the County, where such Houses or Lands do lye, with the Names of the person so claiming, and the Quantity, Bounds of the Lands or Houses claimed, and such Claim prosecuted to effect within the term of *five years* next after the *twentieth* of this present *May, one thousand six hundred and fifty seven*, every such Proprietor, their Heirs and Assignes shall for ever after enjoy the same, without any lawful Let, Suit, Disturbance or Denial, by any after Claim of any person or persons whatsoever, any Law or Custome to the contrary notwithstanding.

And for all Bargains or Alienations made, or to be made after the aforesaid time, that every person concerned therein, observe the Directions given in the above recited Law, upon peril of suffering all the damage that shall accrue to them, their Heirs and Assignes by neglect thereof. [1657.]

P O R T E R S.

A. 56. p. 10. **T** Here being a very great abuse in the Towns of Boston and Charlestown; by Porters, who many times do require and exact more then is just and righteous for their Labours;

Porters to be
Ordered by the
Select men

It is Ordered by this Court; That from henceforth the Select-men of the said Towns from time to time, shall have power to regulate in this case, and to state their Wages, as in their understanding shall be most just and equal, as also to determine what persons shall be employed therein. [1655.]

Pound. Pound-breach.

Pound in every
Town

FOr prevention and due recompense of damages in Corn-fields and other Inclosures done by Swine and Chattel;

It is Ordered by this Court and Authority thereof, That there shall be one sufficient Pound or more, made and maintained in every Town and Village within this Jurisdiction, for the Impounding of all such Swine and

and Chattel as shall be found in any Corn-field or other inclosure.

And whosoever Impounds any Swine or Chattel, shall give present notice to the Owner if he be known; or otherwise they shall be cryed at the two next Lectures or Markets; And if Swine or Chattel escape out of Pound, the Owner if known, shall pay all damages according to Law.

A. 57. p. 24.

And every person or persons having notice given them, or otherwise left in writing at their House or place of their usual abode, of any of their Chattel Impounded or otherways Restrained, shall forthwith give satisfaction to the party so wronged, or otherwise Replevie their Chattel, and prosecute the same according to Law, upon peril of suffering all the loss and damage that shall come to their Chattel by standing in the Pound or other lawful place of Restraint. [1645, 47, 57.]

Cattle impounded to be replevied or damage finished

2. And if any person shall resist or rescue any Chattel going to Pound, or shall by any way or means convey them out of Pound or other Custody of the Law, whereby the party wronged may lose his damages, and the Law be deluded, that in case of meer rescues, the party so offending shall forfeit to the Treasury *forty shillings*.

Rescues and Pound breach

Fine: or

And in case of Pound breach *five pounds*, and shall also pay all damages to the party wronged, and if in the rescues any bodily harm be done to the person of any Man or other Creature, they may have remedy against the Rescuers; And if either be done by any not of ability to answer the forfeiture and damages aforesaid, they shall be openly Whipped by Warrant from any Magistrate before whom the offender is convicted in the Town or Plantation where the offence was committed, not exceeding *twenty stripes* for the meer Rescue or Pound breach; And for all damages to the party, they shall satisfy by service, as in case of Theft.

be whipped

And if it appear there were any procurement of the Owner of the Chattel thereunto, and that they were Abettors therein, they shall pay forfeiture and damages as if themselves had done it. [1647.]

P O W D E R.

VV Hereas by favour of the Government in England, several quantities of Powder and other Amunition are yearly Imported into this Jurisdiction for our necessary use and defence; To the end the favour we receive may not be Abused; nor our selves Deprived of the just and necessary use thereof;

A. 52. p. 3.

It is hereby Ordered and Enacted; That all Merchants or others, that shall import into this Jurisdiction either Powder, Lead, Bullets Shot, or any Amunition whatsoever, shall give particular notice of the quantity thereof to the *Publick Notary*, upon the pain and penalty of *forty pounds*, within one Month after the Landing of such Goods, who is hereby enjoyned to take particular notice of the same, with the Mark and Number, and faithfully to enter the same in a Book, and the Names of the Persons to whom they are sold, or into whose Custody or

Powder imported to be Entered with the publick Notary

power they are committed, that he may give account thereof upon Oath to the Governour, Deputy Governour or any of the Council from time to time; And the said Notary is hereby prohibited, upon the penalty of *one hundred pounds*, to grant Certificate to any Merchant or other of any such Goods but such as he shall have particular notice of, and entred as aforesaid.

And to the end this Order may be duely observed, and that no person may plead ignorance thereof;

It is hereby Ordered, That the Captain of the Castle shall upon the arrival of any Ship or Vessel in the Massachusetts Bay, from any forraign parts, give notice of the contents of this Order, to the Master or Merchant of any such Vessels, and the Constables of all other Port-Towns in this Jurisdiction, are hereby required to do the same. [1651.]

L. 1. p. 45. 2. And it is further Ordered; That no person (except for the defence of themselves and their Vessels at Sea) shall transport any Gunpowder out of this Jurisdiction, without license first obtained from some two of the Magistrates, upon penalty of forfeiting all such Powder as shall be transporting or transported, or the value thereof.

And that there may be no defect for want of an Officer to take care herein;

Searchers for
powder export-
ing

This Court, the Court of Assistants, or any Shire Court, shall appoint meet persons, from time to time in all needful places, who have hereby power granted them, to search all Persons and Vessels that are or any way shall be suspicious to them to be breakers of this Order, and what they finde in any Vessel or Hands, without license as aforesaid, to seize the same, and to keep the one half to their own use in recompence of their pains, and to deliver the other half forthwith to the Treasurer. [1645, 51.]

Prescriptions.

IT is Ordered, Decreed, and by this Court Declared: That no Custome or Prescription shall ever prevail amongst us in any Moral case, (our meaning is) to maintain any thing that can be proved to be Morally sinful by the Word of God. [1641.]

Prisoners, Prison, House of Correction.

Prisoners carry'd
at their own
charge

IT is Ordered; That such Malefactors as are committed to any common Prison, shall be convey'd thither at their own charge if they be able, otherwise at the charge of the Country. [1646.]

2. For prevention and redress of many misdemeanours and evil practises, daily increasing;

It is Ordered, That there shall be an House of Correction provided in each County, at the Counties charge, to be settled, ordered and improved as the Magistrates in each County Court or Court of Assistants shall agree and direct.

A. 55. p. 10.

House of Correction in each County

3. And it shall be in the power of every County Court to make use of such Prison as is at present erected in the County, for an House of Correction, till Houses of Correction be provided and finished.

A. 57. p. 25.

Also to provide and Authorize the Keeper or some meet person, to be Master of such House as they shall judge meet; And the Select men of the Town where such House is appointed, shall procure in the most prudent way, some competent stock of Hemp, Flax, or other materials, and upon account, to commit the same into the hands of the Master of the House, to be employed at his discretion by the labour of such Delinquents, as shall be committed to him by Authority, and the stock being in value or kinde preserved to such as put in the same, all the benefit attained by the labour of the person committed, shall be to the use of the Master, allowing only so much as will keep the Delinquent with necessary Bread and Water, or other mean food out of the same, or *six pence* out of the *shilling* earned by his or her labour.

County Court to appoint a Master

Select men to provide Materials to work

Masters fees

And at the first coming into the House of Correction, the Master thereof, or any he shall procure, or the common Corrector residing in the Town, shall whip every Delinquent, not exceeding *ten stripes*, and after shall imploy him or her by duely stint, and if the party be stubborn, disorderly or idle and not perform their task, and that in good condition, the Master shall correct them or abridge them of their food, as the cause shall require, till they are brought to some meet order.

Delinquent to be corrected & kept to work

And it shall be in the power of one Magistrate, to commit idle persons or stubborn persons against such as have Authority over them, Run-aways, Common Drunkards, Pilferers, Common night-walkers and wanton persons, as tending to uncleanness in speeches or Actions, &c.

One Magistrate may commit to the House of Correction

And it shall not be in the power of the Master to deliver out of the House of Correction, unless he hath a Discharge or Warrant under the hand of a Magistrate; and if the Delinquent be committed by the Court, not to be delivered but by order of the Court, or under the hand of the greater part of the Members of the Court. [1646, 55, 57.]

ON Complaint of the Keeper of the Prison, that some Malefactors and other Prisoners have made escape, by means of some evil-disposed persons that supply them with Instruments to effect the same;

It is therefore Ordered by this Court and the authority thereof, That if any person whatsoever, shall any wayes, either directly or indirectly convey any Instrument or other thing whatsoever to any Prisoner, by which such Prisoner or any other Prisoner, either shall, may, or might break Prison, or work him or her self unlawfully out of the same; if it were for Debt, such person so transgressing shall pay the full Debt, and incur the penalty of forfeiture of as much to the Country, or undergo such Corporal punishment as the Court on whose proceedings such imprisonment followed, or the Court of Assistants shall impose, order or appoint.

To prevent breaking of Prisons

And if any Prisoner committed for offence or offences, Criminal or Capital, shall by such wicked compliance of any person, break Prison or make escape out of Prison, or be found in preparation thereunto, the person or persons which directly or indirectly conveyed such Instruments, Tools, or other things, whereby such Prisoner shall or might work his or her escape from Prison; such person shall be liable to the same corporal punishment which the Prisoner was liable unto, and also incurre such further penalty by Fine, Imprisonment, or Corporal punishment as the County Court, Court of Assistants or General Court shall appoint: So that where the Prisoners are not actually escaped, in such cases any Court to moderate as they shall see meet.

And if the escape of any Prisoner appear to be through the fault or neglect of the Jaylor, he shall then be liable to such penalties as the Prisoner was, according as the Court which hath cognizance thereof shall determine. [1669.]

Directions to
Prison keepers

IN Answer to some Questions propounded by the Keeper of the Prison for his direction in the execution of his Office;

This Court do Declare; That it is the duty of all Prison-keepers from time to time to present a true List of all the Prisoners to such Courts of Judicature, as are properly to take cognizance of their crimes, and not to discharge any their custody, but by the Authority of the Law warranting the same, and that the Court or other Authority taking cognizance thereof shall determine the Costs to be allowed the Keeper for maintenance of the Prisoner, as also by whom he shall be satisfied, and that where any are committed in any civil cause, the Plaintiffe at whose suit he is imprisoned shall secure the Keeper all his necessary expenses during his Imprisonment, both for Food and Physick, and other necessities for his livelihood; And in case of his neglect so to do, the party imprisoned taking his Oath before any Magistrate that he is not worth *five pounds*, the Keeper shall not stand further charged with him, but may dismiss such Prisoner his custody; Any former Law, Usage or Custome to the contrary notwithstanding.

And it is Declared by this Court; That the ordinary allowance to be made for the Food of any Prisoner shall be *two shillings sixpence* the Week. [1663.]

Protestations contra Remonstrance.

Liberty to enter
a dissent in ca-
ses in Court

IT is Ordered, and by this Court Declared; That it is and shall be in the liberty of any Member or Members of any Court, Council or civil Assembly, in cases of making or executing any Order that properly concerneth Religion, or any cause Capital, or Wars, or Subscriptions to any publick Article or Remonstrance, in case they cannot in Judgement and Conscience consent to that way the major vote or suffrage goes, to make *their*

their Contra Remonstrance or Protestation in Speech or Writing, and upon their Request to have their dissent Recorded in the Rolls of that Court, so it be done Christianly and Respectively for the manner, and the dissent only be Entred without the Reasons thereof, for avoiding tediousness. [1641.]

Punishment, Torture.

It is Ordered, and by this Court Declared; That no man shall be twice Sentenced by Civil Justice for one and the same Crime, Offence or Trespas.

None punished twice for due offence

And for Bodily Punishments; We allow amongst us none that are Inhumane, Barbarous or Cruel.

L. 1 p. 50.

And no Man shall be beaten with above forty stripes for one Fact at one time, nor shall any Man be punished with Whipping, except he have not otherwise to answer the Law, unless his Crime be very shameful, and his course of life vicious and profligate.

Not above 40 stripes

And no man shall be forced by Torture to confess any Crime against himself or any other, unless it be in some Capital case, where he is first fully convicted by clear and sufficient evidence to be guilty, after which if the case be of that nature, that it is very apparent there be other Conspirators or Confederates with him, then he may be Tortured, yet not with such Tortures as are Barbarous and Inhumane.

No torture before conviction

Records, Recorders, Clerks.

Whereas Records of the Evidence, whereupon the Verdict and Judgement in cases doth pass, being duly entred and kept, would be of good use, both for Presidents, and to such as shall have just cause to have their cases Reviewed;

It is therefore Ordered by this Court and the Authority thereof; That every Judgement given in any Court, or by one Magistrate, or by Commissioners, shall be Recorded in a Book, and all the Evidences (which are to be given in, in Writing, in fair and large Papers) shall be kept, and the party for whom such evidence is brought, shall pay to the Recorder or Clerk of the Court for filing and safe keeping the same two pence for each evidence; and the fore man of every Jury shall faithfully deliver up all such Testimonies or other Writings committed to them, unto the Recorder or Clerk of the Court, when they give in their Verdict in every case.

A 52. p. 13.

L. P. 15.

Evidence to be given in writing

To be kept on file

A. 57. p. 21. And the Fees of the Recorder or Clerk of every County Court shall be as followeth, for Transcribing a Copy of any evidence for every page consisting of *twenty eight or thirty lines, eight words in a line twelve pence*; and proportionable to *eight pence* a page for what it doth exceed; For entry of a Mortgage or Sale of Houses or Lands *verbatim*, not exceeding a page as aforesaid, *twelve pence*, and proportionable to *eight pence* a page for what it doth exceed; And for Attesting the Record on the Original Deed *six pence*, and in like manner for Wills and Inventories, with *six pence* a piece for filling up the Original and safe keeping thereof; And for entering an Order for the determining of an Estate of such as dyed Intestate, or other, wherein the Court is to give their approbation or determination *twelve pence*; And for Entry of the Examination and Proceedings of this Court in any Criminal Cases or Presentment, with the Judgement of the Court therein *two shillings and six pence*; And for Entry of a Recognizance *twelve pence*, to be paid or secured in Court by the Delinquent party; And for Entering a Judgement acknowledged *twelve pence*; And for Entry of an Action *one shilling six pence*, and a judgement thereupon *six pence*, and for making an Execution *two shillings*.

Recorders Fees

L. 2. p. 7.

Births, Deaths
Marriages

Parents, Masters
&c. to certify
the Clerk

Penalty of not
certifying

A. 54. p. 24.

Clerk to return
all Births & Deaths
&c. to the
County Court

2. It is Ordered; That the Clerk of the Writts in the several Towns shall Record all Births and Deaths of persons in their Towns, and for every Birth and Death they so Record, they shall be allowed *three pence*, and they shall yearly deliver in to the Recorder of the Court of the Jurisdiction where they live a true Transcript thereof, together with so many *pence* as there are Births or Deaths to be Recorded.

And all Parents, Masters of Servants, Executors or Administrators respectively, shall bring in to the Clerk of the Writts, in their several Towns, the Names of such persons belonging to them or any of them, as shall either be Born or Dye.

And also every new-Married Man shall likewise bring a Certificate under the hand of the Magistrate which Married him unto the said Clerk, to be by him Recorded, who shall be allowed *three pence* for the same, and the said Clerk shall deliver as aforesaid unto the Recorder a Certificate, with a *penny* a Name for Recording the said Marriage: And if any person shall neglect to bring a Note or Certificate as aforesaid, together with *three pence* a Name to the said Clerk of the Writts to be Recorded, more then one Month after such Birth, Death or Marriage, he shall pay *twelve pence* to the said Clerk, who shall demand the same, and in case any shall refuse to satisfy him, he shall then return the Name of such person or persons to the next Magistrate or Commissioners of the Town where such person dwells, who shall send for the party so refusing; And in case he shall still persist therein, shall give Order to the Constable to leave the same: And if any Clerk of the Writts shall neglect his duty hereby enjoyned, he shall pay the following penalties, *viz.* for neglecting a yearly return to the County Court *five pounds*, and for neglect of returning the name of any person returnable by this Order, whether Born, Married or Dead, more then *thirty* dayes before his return to the County Court *five shillings*, and that no neglect may be herein for the future, the Clerk of each County Court is hereby enjoyned from time to time, to certify the County Courts respectively the Names of all such Clerks of the Writts, who shall neglect to make their yearly return, according to this Law, who upon such notice given, shall send for such Clerks, and do in the case as the Law requireth.

3. It is Ordered and Declared, That every man shall have liberty to Record in the publick Rolls of any Court, any Testimony given upon Oath in the same Court, or before two Magistrates, or any Deed or Evidence legally confirmed, there to remain *in perpetuam rei memoriam*.

L. 1. p. 47.

Liberty to record testimonies and evidences to view publick Records

And that every Inhabitant of the Country, shall have free liberty to search and view any Rolls, Records or Registers of any Court or Office, except of the Council, and to have a Transcript or Exemplification thereof, Written, Examined and Signed by the hand of the Officer, paying the accustomed fees.

And if any person or person repairing to any publick Officer of this Jurisdiction, to view any Record or Writings committed to his charge, shall wittingly and willingly Deface or Rent any such Record or Writing, upon complaint of such Officer to any Magistrate, and proof by Oath of the said Officer, or other sufficient Witnesses, every person so offending shall forfeit by the party concerned therein treble the damage that might have ensued or accrued to him or them thereby, and shall also be fined as much to the Country, or suffer two Months Imprisonment without Baile or Main-prize, or stand in the Pillory two hours in Boston Market, with a Paper over his head written in Capital Letters,

A. 52. p. 9.

Penalty of defacing Records

A DEFACER OF RECORDS.

the special or particular punishment to be determined by the next County Court where the Offence was committed, and shall also stand bound to the good Behaviour, during the pleasure of the Court. [1639, 42, 43, 44, 47, 52, 57.]

Resolved upon the Question, That the words *Rolls, Records, or Register* of any Court or office contained in the Printed Laws, *tit. Records, &c. Sect. 3. pag. 69.* are to be Interpreted and understood only of such Acts of Court as concern particular persons in matters of Justice, Licence, Grant or Approbation; or of such Laws as are of publick concernment. [1665.]

Directions to Court Officers to grant Copies &c.

VHereas by reason that the Orders of this Court, referring to the Commissioning, Appointing and Impowering any particular person or persons for any special trust, negotiation or other matter as from time to time do arise, are not duly and seasonably Transcribed and Delivered to those concerned therein, the expectation of this Court is many times disappointed, and damage to the publick doth inevitably accrue;

Seasonable transcribing and delivery of matters of publick concern by the Secretary

It is therefore Ordered by this Court; That the Secretary, from time to time, within ten dayes after the end of every Sessions of the General Court, shall Copy out all such special Orders of this Court as abovesaid, and deliver the same to the Marshal General, who shall receive the same at the Secretaries house, and take Order for the speedy and certain conveyance thereof, to those whom they are especially directed unto; And for such Orders as do require a more speedy dispatch then the time above limited, the Officers above-named shall accordingly hasten the same.

To the Marshal General

Marshal General
to attend the
Treasurers and
Secretaries di-
rections, &c.

Also the Marshal General shall from time to time receive all Warrants that are to be sent to the several Towns from the County Treasurer; as also the Laws that are at any time to be published, either Printed or Written, and cause them to be delivered according to the direction given him from the Treasurer or Secretary. [1668.]

REPLEVIN.

IT is Ordered and by this Court Declared, That every man shall have liberty to Replevie his Chattel or Goods Inpounded, Disfreined, Seized or Extended, unless it be upon Execution after Judgement, and in payment of fines; Provided he put in good Security to prosecute the Replevin, and to satisfie such Demand as his Adversary shall recover against him in Law. [1641.]

SABBATH.

A. 53. p. 18. UPON Information of sundry Abuses and Misdemeanours committed by divers Persons on the Lords-day, not only by Children playing in the Streets and other places; But by Youths, Maids and other persons, both Strangers and others, uncivily walking in the Streets and Fields, travelling from Town to Town, going on Ship board, frequenting Common Houses and other places to Drink, Sport or otherwise to mispend that precious time, which thing tends much to the Dishonour of God, the Retrench of Religion, Grieving the Souls of Gods Servants, and the Treach of his Holy Sabbath, the Sanctification whereof is sometimes put for all Duties, immediately respecting the service of God contained in the first Table;

Prophaness of
the sabbath

Penalty

It is therefore Ordered by this Court and the Authority thereof, That no Children, Youth, Maids or other persons shall transgress in the like kinde, on penalty of being reputed great provokers of the high displeasure of the Almighty God, and further incur the penalty hereafter expressed, viz. That the Parents and Governours of all Children above seven years old, (not that we approve younger Children in evil) for the first offence in that kinde, upon due proof before any Magistrate, Commissioner or Select-man of the Town where such offence shall be committed, shall be Admonished; For a second offence, upon due proof as aforesaid, shall pay as a fine five shillings; And for a third offence, upon due proof as aforesaid ten shillings; And if they shall again offend in that kinde, they shall be presented to the County Court, who shall augment punishment according to the merit of the Fact.

And for all Youths and Maids above fourteen years old, and all elder persons

persons whatsoever, that shall offend and be convict as aforesaid, either for Playing, uncivil Walking, Drinking, Travailing from Town to Town, going on Ship board, Sporting, or any way mispending that precious time; shall for the first offence be admonished, upon due proof as aforesaid, for a second Offence, shall pay as a fine five shillings, and for the third offence ten shillings; And if any shall further offend that way, they shall be bound over to the next County Court, who shall augment punishment according to the nature of the offence: And if any be unable or unwilling to pay the aforesaid fines, they shall be whipped by the Constable, not exceeding five stripes for ten shillings fine, and this to be understood of such offences as shall be committed during the Day-light of the Lords day. [1653.]

2. Whereas by too sad experience, it is observed, the Sun being set, both every Saturday, and on the Lords-day, young people and others take liberty to walk and sport themselves in the streets or fields, in the several Towns of this Jurisdiction, to the Dishonour of God, and the Disturbance of others in their Religious exercises, and too frequently repair to publick Houses of Entertainment, and there sit Drinking, all which tends not only to the hindring of due preparation for the Sabbath, but as much as in them lyeth renders the Ordinances of God unprofitable, and threatens the rooting out of the power of Godliness, and procuring the wrath and judgement of God upon us and our posterity; For prevention whereof;

It is Ordered by this Court and the Authority thereof; That if any person or persons henceforth, either on the Satter-day-night, or on the Lords-day-night, after the Sun is set, shall be found sporting in the streets or fields of any Town in this Jurisdiction, Drinking, or being in any House of publick Entertainment (unless Strangers or Sojourners in their Lodgings) and cannot give a satisfactory Reason to such Magistrate or Commissioner in the several Towns as shall have the cognizance thereof: Every such person so found complained of, and proved transgressing, shall pay five shillings for every such Transgression, or suffer Corporal punishment as Authority aforesaid shall determine. [1658.]

Drinking in Ordinances. &c.
Sun set

Penalty

THis Court being sensible, that through the wicked practices of many persons, who do prophane Gods Holy Sabbaths, and contemn the publick Worship of his House, the Name of God is greatly dishonoured, and the Profession of his People here greatly scandalized, as tending to all Trophaneness and Irreligion; As also that by reason of the late Order of Octob. 20. 1653. remitting the fines imposed on such to the use of the several Towns, the Laws made for reclaiming such Enormities are become ineffectual;

Do therefore Order and Enact; That henceforth all fines imposed according to Law for Prophanation of the Sabbath, Contempt or Neglect of Gods publick Worship, Reproaching of the Laws, and Authority here Established according to His Majesties Charter, shall be to the use of the several Counties, as formerly; Any thing in the above said Law to the contrary notwithstanding. And in case any person or persons so sentenced, do neglect or refuse to pay such Fine or Musters as shall be legally imposed on them, or give Security in Court to the Treasurer for payment thereof, every such person or persons so refusing or neglecting to submit to the Courts Sentence, shall for such his Contempt be Corporally punished, according as the Court that hath cognizance of the case shall determine: And where any are Corporally punished, their fines shall be remitted. [1665.]

All fines for Prophanation of the Sabbath as formerly to be to the Countie &c.

Sabbath-break.
113

FOr the better Prevention of the Breach of the Sabbath;

It is Enacted by this Court and the Authority thereof; That no servile work shall be done on that day, *namely*, such as are not works of Piety, of Charity, or of Necessity, and when other works are done on that day, the persons so doing, upon Complaint or Presentment, being legally convicted thereof before any Magistrate or County Court, shall pay for the first offence *ten shillings* fine, and for every offence after to be doubled; and in case the offence herein be circumstanced with Prophaness, or high handed Presumption, the penalty is to be augmented at the discretion of the Judges.

As an addition to the Law, for preventing Prophaning the Sabbath day, by doing servile work;

This Court doth Order; That whatsoever person in this Jurisdiction shall Travail upon the Lords-day, either on Horse-back or on Foot, or by Boats, from, or out of their own Town, to any unlawful Assembly or Meeting, not allowed by Law; are hereby declared to be Prophaners of the Sabbath, and shall be provided against as the persons that Prophane the Lords-day, by doing servile work. [1668.]

SAILERS.

E. 2. P. 14. VV Hereas many Miscarriages are committed by Saylers, by their immoderate Drinking, and other vain expences in Ordinaries, which oftentimes occasions prejudice and damage to the Masters and Owners of the Vessels to which they belong, their men being oftentimes Arrested for Debts so made when their Ships are ready to set saile; For Prevention whereof;

It is Ordered by this Court and the Authority thereof; That no Innkeeper, Victualler or other, Seller of Wine, Beer or Strong Liquors, shall after publication hereof, Arrest, Attach, or recover by Law, any Debt or Debts so made by any Sayler or Saylors as aforesaid, except the Master or Owner of such Ship or Vessel to whom such Saylers belongs, have given under his hand to discharge the same; Any Law, Use or Custome to the contrary notwithstanding.

SALT.

UPon Information given to this Court of great damage accruing, both to Merchants and others, by reason no meet persons are appointed for to measure Salt from such Ships as arrive in our several Harbours;

This

This Court doth therefore Order and Enact; That there shall be in every Maritime Town, within this Jurisdiction, one meet person appointed by the Town from time to time, who shall diligently attend this service, upon due notice given by either party concerned therein; and the same truly and faithfully to discharge, for which he shall be allowed *three half pence* for every Hogthead; the one half to be paid by the Buyer and the other half by the Seller;

And what Masters of Ships or other Vessels, or Merchants, shall fail in the observation of this Order, he or they shall forfeit to the Country *two shillings* for every Tunne so disposed of, unless the parties shall otherwise agree.

S A L T - P E E T E R.

V Hereas this Court hath Encouraged and Authorized some Persons to make Gun-Powder, and have promised to enable them thereunto, by such Publick and Necessary Orders as may conduce to the effecting the same;

The consideration whereof hath moved the Court hereby to Order and Enact, That the Select-men of every Town (where the Powder-makers Authorized by this Court shall desire it) be Authorized and Required hereby to make and execute such Orders in their respective Towns as they shall judge meet (with the advice of skilful persons) for increasing and procuring of Salt-Peeter, and to impose such penalties as the Select-men shall see meet, not exceeding *ten shillings* for one offence, upon all persons that shall neglect or refuse to perform such Order or Orders for the propagating and increasing of Salt Peeter in their respective Towns:

And Moreover the said Select-men are further Impowred to choose and appoint an Officer or Officers, and to allow him a convenient stipend Annually for his pains out of the fines or otherwise, to look to the executing such Orders as they shall make in that behalf.

And it is further Ordered; That such Select men, who shall neglect or refuse to make, and effectually Execute such necessary Orders as shall conduce to the ends aforesaid, they shall be Presented at the Court of that County; and there be fined for their neglect, at the discretion of the Court, not exceeding *five pounds* for one offence; And this Law to be put in Execution forthwith after the publication thereof, and this to continue during the Courts pleasure. [1666.]

Seal-Publick.

IT is Ordered by this Court and the Authority thereof; That the Governour for the time being, or any other Officer to whom the custody

of the Publick-Seal is committed, do affix the publick-Seal unto all Commissions for Military Officers; and to all other Commissions and Writings of publick concernment, that shall issue forth from this Court or the Council without paying any thing for the Seal; And the Secretary for the time, shall write and procure the Seal to be affixed, and deliver the said Commissions and other publick Instruments to the parties concerned; and for his Fees of Writing and Wax, he is allowed *one shilling* for every Commission or other publick Instruments, to be paid by the Treasurer of the Country; And this Law to be in force, any Law, Custome or Usage to the contrary notwithstanding. [1664.]

S C H O O L S.

IT being one chief project of Satan to keep men from the knowledge of the Scripture, as in former times, keeping them in unknown Tongues, so in these latter times, by perswading from the use of Tongues, that so at least the true sense and meaning of the Original might be clouded and corrupted with false glosses of Deceivers; to the end that Learning may not be buried in the Graves of our fore Fathers, in Church and Common-wealth, the Lord assisting our endeavours;

Schools in towns
of 50 Families

How maintained

It is therefore Ordered by this Court and Authority thereof; That every Town ship within this Jurisdiction, after the Lord hath increased them to the number of fifty House-holders, shall then forthwith appoint one within their Towns, to teach all such Children as shall resort to him to Write and Read, whose Wages shall be paid either by the Parents or Masters of such Children, or by the Inhabitants in general, by way of supply, as the major part of those that Order the prudentials of the Town shall appoint; Provided that those which send their Children be not oppressed by paying much more then they can have them taught for in other Towns.

Grammar School

Towns neglect-
to pay 5 li per
Annum to the
next School

A. 54. p. 1.

Heterodox
School Master
not to be al-
lowed

2. And it is further Ordered, That where any Town shall increase to the number of one hundred Families or House-holders, they shall set up a Grammar School, the Master thereof being able to instruct Youth so far as they may be fitted for the University: And if any Town neglect the performance hereof above one year, then every such Town shall pay five pounds per Annum to the next such School, till they shall perform this Order.

3. Forasmuch as it greatly concerns the welfare of this Country, that the Youth thereof be Educated, not only in good Litterature, but in sound Doctrine; This Court doth therefore commend it to the serious consideration, and special care of our Overseers of the Colledge, and the Select men in the severall Towns, not to admit or suffer any such to be continued in the Office or Place of Teaching, Educating or instructing Youth or Children, in the Colledge or Schools, that have manifested themselves unseared in the Faith, or scandalous in their Lives, and have not given satisfaction according to the Rules of Christ.

Whereas

VHereas the Law requires every Town consisting of one hundred Families or upwards to set up a Grammar School and appoint a Master thereof, able to instruct Youth, so as to fit them for the Colledge; and upon neglect thereof the said Town is to pay five pounds per Annum to the next Latin School, until they shall perform that Order;

The Court upon weighty Reasons judge meet to Declare and Order; That every Town of one Hundred Families and upwards, that shall neglect or omit to keep a Grammar School, as is provided in that Law, such Towns shall pay ten pounds per Annum unto the next Town School that is settled according to that Law. [1671.]

A Grammar School to be i Towns of 100 Families

S E L F - M U R T H E R.

THis Court considering how far Satan doth prevail upon several persons within this Jurisdiction, to make away themselves, judgeth that God calls them to bear testimony against such wicked and unnatural practises, that others may be deterred therefrom;

Do therefore Order, That from henceforth, if any person Inhabitant or Stranger, shall at any time be found by any Jury to lay violent hands on themselves, or be wilfully guilty of their own Death, every such person shall be denied the priviledge of being Buried in the Common Burying place of Christians, but shall be Buried in some Common High-way where the Select-men of the Town where such person did inhabit shall appoint, and a Cart-load of Stones laid upon the Grave as a Brand of Infamy, and as a warning to others to beware of the like Damnable practises. [1660]

Self murders de nied ordinary burials

S H E E P.

VHereas the keeping of Sheep tends much to the benefit of the Country, and may in short time make good supply towards the cloathing of the Inhabitants if carefully preserved; and forasmuch as all places are not fit and convenient for that end;

It is Ordered by this Court; That henceforth it shall be lawful for any man to keep Sheep on any Common, be it for Cows, Oxen or otherwise, belonging to the Town where he lives, or where at that time he may have Right of Common and that without limitation, in Commons not flinted, and in such Commons that are flinted, it shall be lawful for any Inhabitant to use any or all his proportion of Common for Sheep, accounting

L. 2 p. 14.

Liberty to keep Sheep on all Commons Five sheep for one Cow

A. 56. p. 12.

select-men to
Order clearing
of Commons for
sheeps pasture

counting five Sheep for one Cow, Steer or Oxe; and further, it shall be lawful for the Select-men of every Town from time to time, to make such Orders in their respective Towns, for the clearing of their Commons of Wood and Brush, for keeping of Sheep, as also for the fines of putting Rams to their Flocks, as they shall judge meet.

Dogs killing
sheep to be
hanged

2. It is further Ordered; That if any man shall course Sheep with a Dog, or otherwise molest them, by driving them from their feeding, he shall pay *five shillings* for every such offence, besides double damages, and if any dog shall kill any sheep, the Owner shall either hang such dog, or pay double damages for the sheep, and if any dog hath been seen to course or bite Sheep before, not being set on, and his Owner hath had notice thereof, then he shall both hang his dog, and pay for such Sheep as he shall either bite or kill; And if in such case he shall refuse to hang his dog, then the Constable of the Town upon notice thereof, shall forthwith cause it to be done.

A. 53. p. 18.

sheep to be wash
ed before shorn,

wool to be made
up clean

3. It is further Ordered; That all Owners of Sheep, who shall put their Wool so sale, shall, and hereby are enjoined yearly to wash their Sheep in clear water. not being either salt, brackish or dirty, and shall take care they be not kept in dirty or sandy Ground, between the time of washing and shearing; And in making up the Fleeces to take care no short Locks, Lumps of dirt, or course Tails be wound up therein, upon the penalty of forfeiture of *twelve pence* a Sheep for all and every defect aforesaid. [1648, 53, 56.]

Ships, Ship-Carpenters.

VV Hereas the building of Ships is a business of great Importance for the Common good, and therefore suitable care ought to be taken, that it be well performed, according to the commendable course of England and other places;

Surveyors ap-
pointed to view
all ships
in building

It is therefore Ordered by this Court and the Authority thereof; That when any Ship is to be Built within this Jurisdiction, or any Vessel above thirty Tunns, the Owner, or Builder in his absence, shall before they begin to Plank, repair to the Governour or Deputy Governour, or any two Magistrates, upon the penalty of *ten pounds*, who shall appoint some able man to survey the Work and Workmen from time to time, as is usual in England, and the same so appointed, shall have such liberty and power as belongs to his Office.

Their power

And if any Ship-Carpenter shall not upon his Advice, Reform and Amend any thing which he shall finde to be amiss, then upon complaint to the Governour, or Deputy Governour, or any two Magistrates, they shall appoint two of the most sufficient Ship-Carpenters of this Jurisdiction, and shall Authorize them from time to time, as need shall require, to take view of every such Ship and all works thereto belonging, and to see that it be performed and carried on according to the Rules of their Art.

oath

And for this end an Oath shall be Administred to them, to be faithful and

and indifferent between the Owner and the Work-man, and their charges shall be born by such as shall be found in default:

Charges

And those Viewers shall have power to cause any bad Timbers, or other insufficient Work or Materials to be taken out and amended at the charge of them through whose default it grows. [1641, 47.]

2. It is Ordered by the Authority of this Court; That all Ships which come for Trading only from other parts, shall have free access into our Harbours, and quiet Riding there, and free liberty to depart without any molestation by us, they paying all such duties and charges required by Law in the Country, as others do. [1645.]

Repeated.

THis Court having perused and considered the Letter received from his Majesties most Honourable Privy Council, dated the 24 of June last; relating to an Act of Parliament, Entituled, An Act for the Encouraging and Increasing of Shipping and Navigation; As an Addition and Explanation of former Orders made by this Court concerning these Affairs;

It is hereby Ordered and Enacted; That the several Officers hereafter mentioned, are hereby Deputed and Authorized to see that the said Act be performed, so far as it concerns the Government of this Plantation, both in seizing Ships or Vessels inhibited by the said Act to Trade here, taking Bonds of all Ships and Vessels that Lades in our Ports any Commodities expressed in the said Act; of the Growth, Product or Manufactory of the English Plantations, who shall not produce certificate that they have given Bond already as the said Act requireth.

Officers Authorized about Shipping

And in case of neglects or contempt, to seize such Vessels or Ships that Lades the aforesaid Goods without giving Bond or shewing Certificates: and to keep accounts of all such Ships and Vessels, with the Names of the Masters, that Lades here as aforesaid, and return an account twice every year, with Copies of the said Bonds and Certificates unto the Governour for the time being, by him to be transmitted to London; directed to the chief Officer there.

The Officers appointed are as followeth;

For the Ports of Boston and Charlestown, Mr. Edward Rawson.
For Salem, Marble-head and Gloucester, Mr. Hilliard Veren.
For the River of Pascataqua and Isle of Shoals, and Ports adjacent, Captain Brian Pendleton.

Their Names

The Fees they are Authorized to take of every Ship-Master, are

For taking Bond, and Transcribing the Copy five shillings.
For Receiving and Entering a Certificate, two shillings six pence.
For giving Certificate, and Recording it, two shillings six pence.
Their part of seizures as the said Act directeth.

And Fees

It is

And

Bonds of Ship-
Masters, &c.

And that all employed in this trust, do from time to time make return of all Bonds and Certificates by them passed to Mr. *Rawson*, who by the Governours Advice shall make return thereof for *England*, as the Act of Parliament requireth: And that Mr *Rawson* do from time to time present the Council of this Common-weal, or in default thereof the Court of Assistants, with true Accounts of all Bonds and Certificates, and Copies of all Letters that he shall send for *England*, in any wise referring to this matter.

Moreover it is Ordered; That the Secretary take special care forthwith to send by the first opportunity four Copies of the Councils, and one of the Copies of the Act of Parliament relating thereunto, to the four General Governments of *New-England*, viz. *Plimouth*, *Connecticut*, *New-Haven*, and *Road-Island*. [1663.]

Penalty for
drinking healths
&c. in ships or
vessels

BE it also Enacted by the Authority of this Court; That no Masters of Ships, or Seamen, having their Vessels Riding within any of our Harbours in this Jurisdiction, shall presume to Drink Healths, or suffer any Healths to be drunk within their Vessels by day or night, or to shoot off any Gun after the Day-light is past, or on the Sabbath-day, on penalty for every Health *twenty shillings*, and for every Gun so shot *twenty shillings*.

And the Captain of the Castle is hereby enjoined to give notice of this Order to all Ships that pass by the Castle. [1663.]

Ships of Burden
to pay half a
pound of Pow-
der the Tun

IT is Ordered by this Court and the Authority thereof; That all Ships and Vessels above *Twenty Tuns*, that Trade within our Ports belonging to other places; or that the greater part of the Owners thereof, are not Inhabitants of this Jurisdiction, shall pay half a pound of Gun-powder, or the full value thereof in money, for every Tun of Burthen they are of, every Voyage they make hither, towards Provisions for Publick Fortifications, which is to be paid to the persons hereafter named, or to whom they shall Depute under their hands.

For the Ports of *Boston* and *Charls-town* Major General *Leveret*.

For *Salem* and *Marble-head*, Major *William Hawthorn*.

For *Pascataqua River*, Mr. *Richard Cutts*.

And in case if Master or Commander of any such Ships or Vessels shall refuse upon Demand to pay the same, it shall be lawful for the said Gentlemen, or any one of them to send forth their Warrants to any Marshal or Constable, to Distrein upon the Goods of such Master or Commander, or on any of the Appurtinencies of their Vessels for the same, with the charges thereof; And the Gentlemen appointed as aforesaid, shall be accountable to the General Court when called thereunto, for what they shall receive by virtue of this Order, and are to deliver the Powder or Money they have in their Hands once every year or oftener unto the Surveyor General, excepting *one shilling* out of every *twenty shillings* they shall receive, which shall be allowed them for Defraying their necessary charges thereabout. [1667.]

TO prevent Calumny, Reproach and Prejudice to this Colony and the Inhabitants, and Trade thereof;

It is Ordered; That no person shall henceforth Trade or Truck with any Vessel that shall Arrive upon our Coast, until the same shall come under command, and ride in our usual Harbours, and have acknowledged the Government as the Law provides, upon the penalties of all such Goods Traded, and such further punishment as the Court of Assistants shall adjudge. [1670.]

S P I N N I N G.

THis Court taking into serious Consideration the present freights and necessities of the Country, in respect of Cloathing, which is not like to be so plentifully supplied from foreign parts as in times past, and not knowing any better way or means conducing to our subsistence, then the improving of as many hands as may be in Spinning Wool, Cotton, Flax, &c. A. 55. p. 11.

Doth therefore Order, and be it Ordered by the Authority of this Court; That all hands not necessarily employed on other occasions, as Women, Girls and Boyes; shall and hereby are enjoyned to Spin according to their skill and ability; and that the Select men in every Town do consider the condition and capacity of every family, and accordingly do assess them at one or more Spinners;

And because several Families are necessarily employed the greatest part of their time in other business, yet if opportunities were attended, some time might be spared, at least by some of them for this work;

The said Select Men shall therefore Assess such Families at half and quarter Spinners, according to their capacities.

And every one thus aforesaid, for a whole Spinner, shall for time to come, Spin every Year for thirty Weeks, three pound a Week of Linnen, Cotton or Woollen, and so proportionably for half and quarter Spinners, under the penalty of twelve pence a pound short.

And the Select Men shall take special care for the Execution of the Order, which may easily be effected by dividing their several Towns into ten, six, five, &c. parts, and to appoint one of the ten, six or five, &c. to take an account of their Divisions, and to certify the Select Men, if any be defective in what they are Assessed, who shall improve the penalties imposed on such as are negligent, for the encouragement of those that are diligent in this work, [1655.]

S T R A Y E S.

Finders of goods
to give notice to
the Const. to cry

IT is Ordered by this Court and the Authority thereof; That whosoever shall take up any Stray Beast, or finde any Goods lost, whereof the Owner is not known, he shall give notice thereof to the Constable of the same Town, within six dayes, who shall enter the same in a Book, and take Order that it be cryed at their next Lecture or General Town-meeting, upon three several dayes; And if it be above twenty shillings value, at the next Market or two next Towns publick Meetings where no Market is within ten miles, upon pain that the party so finding, and the said Constable having such notice and failing to do as is here appointed, to forfeit either of them for such default, one third part of the value of such Stray or lost Goods:

Finders to ap-
prize & Record
lost goods

And if the finder shall not give notice as aforesaid, within one Month, or if he keep it more then three Months and shall not apprise it by indifferent men, and also Record it with the Recorder of the County Court where it is found, he shall then forfeit the full value thereof:

Restore the
goods if the
Owner appear
in a year

And if the Owner appeareth within one Year after such Publication, he shall have restitution of the same, or the value thereof, paying all necessary charges, and to the Constable for his care and pains, as one of the next Magistrates, or the three Commissioners of the Town shall adjudge. And if no Owner appear within the time prefixed, the said Stray or lost Goods shall be to the use of the finder, paying to the Constable ten shillings, or the fifth part of the value of such Stray or lost Goods, at the finders choice.

Stray beast to
have a Wyth a-
bout the neck

And it is Ordered; That every such finder shall put and keep from time time a Wyth or Wreath about the neck of every such Stray Beast within one Moneth after such finding, upon penalty of losing all his charges that shall arise about it afterwards, (provided that no person shall from the first of April to the twentieth of December, take up any Horse Gelding or Mare for a Stray, or account or use them as Strayes, though the Owner thereof be not known; unless it be taken Damage seizant in inclosures) Provided also, that if any Owner or other, shall take off such Wyth or Wreath, or take away such Beast before he hath discharged according to this Order, he shall forfeit the full value of the thing (apprized as aforesaid) to the use of the finder. [1647.]

Taking off the
Wyth, or taking
away the beast
forfeit the value

Addition to the
Law of Strayes.

AS an Addition and Explanation of the Law tit. Strayes; This Court finding that several inconveniences and troubles do arise about Strayes, Chattel and Horses, &c. and that the temptation may be too great on some persons in remote Towns and Farms, to take up Chattel, &c. and make Strayes of them, the whole benefit redounding to themselves;

To be cryed in
the Town on
which they have
the Brand mark

This Court doth Order for the time to come, That all Strayes shall be first cryed in that Town of which they have the Brand-mark; And that all such Strayes and other lost Goods contained in the said Law, shall be entred with the County Recorder in each County, and by him transferred

to the Country Treasurer within one Moneth; and in case the said Goods and Strayes are not owned within one year, as is therein expressed, then the one half, or the value of one half shall be to the use of the Country, and the other half to the finder, the charges being first paid out of the whole. [1666.]

To be entered with the Recorder of the County
Half to the Country & the other half to the Finder

STRANGERS.

VHereas we are credibly informed that great mischiefs have been done to other Plantations by reason of Commanders, Souldiers, and other Strangers; To prevent the like in this Jurisdiction; *A. 51. p. 7.*

It is Ordered by this Court and Authority thereof, That henceforth all Strangers of what quality soever, above the age of sixteen years, Arriving in any Ports or Parts of this Jurisdiction, in any Ship or Vessel, shall immediately be brought before the Governour, Deputy Governour, or two other Magistrates, by the Master or Mate of the said Ship or Vessel, upon penalty of twenty pounds for default thereof, there to give an account of their occasions and business in this Country, whereby satisfaction may be given, and Order taken with such Strangers as the said Governour, Deputy Governour, two Magistrates, or the next County Court shall see meet, who shall keep a Record of the Names and Qualities of all such Strangers, to be returned to the next General Court.

Strangers Arriving to be brought before the Governour

And for the Publications of this Order;

It is Ordered, the same to be Posted upon the Doors or Posts of the Meeting-houses and other publick places in all the Port Towns of this Jurisdiction:

Capt of the Castle to give notice of this Order

And the Captain of the Castle shall make known this Order to every Ship or Vessel as it passeth by, and the Constable of every Port Town shall endeavour to do the like to such Ships or Vessels before they Land their Passengers. [1651.]

And if any Strangers, or People of other Nations, professing the true Christian Religion, shall fly to us from the Tyranny or Oppression of their Persecutors, or from Famine, Wars or the like necessary and compulsoy Cause, they shall be entertained and succoured amongst us according to that power and prudence God shall give us. [1641.] *L. 1. p. 23.*

Strangers to be succoured

Every person within this Jurisdiction, whether Inhabitant or Stranger, shall enjoy the same Law and Justice that is general for this Jurisdiction, which we constitute and execute one towards another in all cases proper to our cognizance, without partiality or delay. [1641.] *L. 2. p. 32.*

Strangers to have equal Justice

No Town or person shall receive any Stranger Resorting hither with intent to Reside in this Jurisdiction, nor shall allow any Lot or Habitation to any, or entertain any such above three Weeks, except such person shall have allowance under the hand of some one Magistrate, upon pain of every Town that shall give or sell any Lot or Habitation to any not so Licensed such fine to the Country as the County Court shall impose, not exceeding fifty pounds, nor less then ten pounds; And of every person receiving any such for longer time then is hereby allowed, except

No Town or per-
son to entertain
strangers with-
out allowance

in case of entertainment of friends resorting from other parts of this Country in amity with us, to forfeit as aforesaid, not exceeding twenty pounds, nor less then four pounds; and for every Moneth after so offending shall forfeit as aforesaid, not exceeding ten pounds, nor less then forty shillings.

Finable

And every Constable shall inform the Courts of all new-comers, which they know to be admitted without License from time to time. [1637, 38, 47.]

Sureties and Goods Attached.

L. 1. p. 15.

Upon Information of some inconveniencies accruing to several persons, in that men take themselves acquitted and free from all legal observations in case of appearance in Courts, according to the express terms of the Bond, or at most if the Principal there stay till Verdict and Judgement be given (which if they be) they may then make away their Estates, or absent their persons before the twelve hours be expired for granting Execution, whereby the party recovering may either be deprived of, or much damaged in his just Rights;

Not discharged
till Judgement
be satisfied

It is therefore Ordered by this Court and the Authority thereof; That henceforth all Goods Attached upon any Action, shall not be released upon the appearance of the party, or Judgement given, but shall stand engaged until the Judgement, or the Execution granted upon the said Judgement be discharged:

or the person de-
livered to the
Marshal

Nor shall any Surety or Sureties for appearance in any Court, except in Capital or Criminal Cases, be released from his or their Bond until the Execution as aforesaid be discharged and satisfied, or the Principal Person be surrendered into the hands of the Marshal or his Deputy, who shall secure him till the Judgement be discharged, any Law, Custome or Usage to the Contrary notwithstanding.

Goods & persons
Attached one
month after
Judgement re-
leased

Provided alwayes. That henceforth in all Civil proceedings (except in cases where the Defendant is a Stranger) where Execution is not taken out and Executed within one Month after that Judgement is granted, all such Attachments, whether on persons or Estates, with Sureties, shall be released and void in Law; any Law, Usage or Custome to the contrary notwithstanding: unless the Court that granted the Judgement shall see cause to give further time, and respit of Execution in any particular case.

Swearing and Cursing.

Swearing 10. 3.

IT is Ordered by this Court and Authority thereof; That if any person within this Jurisdiction, shall Swear rashly or vainly by the Holy Name of

of God, or other Oath, he shall forfeit to the Common Treasury for every such offence *ten shillings*; and it shall be in the power of any Magistrate, by warrant to the Constable, to call such person before him, and upon sufficient proof to sentence such offender, and to give Order to leave the fine; and if such person be not able, or shall refuse to pay the said fine, he shall be committed to the Stocks, there to continue not exceeding three hours, nor less then one hour.

Swearing to s.

or sit in Stocks

2. And if any person shall swear more Oaths then one at a time, before he remove out of the Room or Company where he so Swears, he shall then pay *twenty shillings*.

L. 2. p. 14.

more Oaths
then one 20 s.

The like penalty shall be inflicted for Prophane and Wicked Cursing of any Person or Creature, and for the multiplying the same, as is appointed for prophane Swearing; and in case any person so offending, by multiplying Oaths or Cursing, shall not pay his or their fines forthwith, they shall be whipt or committed to Prison till they shall pay the same, at the discretion of the Court or Magistrate that shall have cognizance thereof.

His penalty for
Cursing

S W I N E.

IT is Ordered by this Court and the Authority thereof; That every Town-ship within this Jurisdiction, or the Select-men thereof, are impowred and hereby required from time to time, to make Orders for preventing all harms by Swine, in Corn, Meadows, Pastures and Gardens, as also all danger to Children or elder persons in any respects by Swine, and to impose penalties according to their best discretion, and to appoint one of their Inhabitants, by Warrant under the hands of the Select-men, or the Constable where no Select-men are, to leave such fines and penalties; and if any person chosen to see the Execution of this Order, shall neglect or refuse the same, he shall forfeit *five pounds*, the one half to the Town, the other half to the party that accepts the place, and performs his duty therein.

Select-men to
make Orders to
prevent harms
by Swine

A. 1658.

2. And where Towns Border each upon other, whose Orders it may be are various;

Satisfaction shall be made for harms done by Swine, according to the Orders of the Town where the damage is done.

But if the Swine be Ringed and Yoaked, or otherwise, as the Orders of the Town to which they belong, doth require, then where no Fence is, or that it be insufficient, through which the Swine come to Trespasse, the Owner of the Land or Fence shall bear all damages.

Damage to be
paid according
to the Town Or-
ders where it is
done

And it is hereby Declared; That all Fences made of Stone, Pales, Rails, Rivers, Creeks, or any other Fences which are allowed (by such men as are appointed in the several Towns to view Fences) to be sufficient against great Cattle, shall be held and accounted sufficient against

No Fence no
damage

A. 51. p. 4.

E t

Swine

Fences sufficient

Swine, and all Swine breaking through such Fences, shall be liable to make satisfaction for all Damages done.

No owners appearing Swine to be prized

3. And if any Swine be Impounded for Damage done, and there be kept three dayes, and that no person will own them, then the party Damned shall give notice to the two next Towns (where any are within five miles Compass) that such Swine are to be sold by an Out-cry, within three dayes after such notice by the party Damned; and in case none will buy, he shall cause them to be Apprized by two indifferent men (one whereof shall be the Constable or one chosen by him) signified under their hands in Writing, and may keep them for his own use. And in both cases, if the Owner shall after appear, the overplus according to the said valuation (all Damages and Charges being paid) shall forthwith be rendred to him.

And if any Town or Select-men shall neglect to take Order for preventing harms by Swine according to this Law, more then *one Moneth* after publication hereof, such Town or Select-men shall forfeit to the Treasury *forty shillings* for every Moneth so neglecting. [1647, 51, 58.]

T I L E - E A R T H.

IT is Ordered by this Court; That all Tile-Earth to make Sale Ware, shall be Digged before the *first of the ninth Moneth*, and turned over in the *last and first Moneth* ensuing, *a Moneth before it be wrought*, upon pain of forfeiting one half part of all such Tiles as shall be otherwise made, to the use of the Common Treasury. [1647.]

T O B A C C O.

IT is Ordered by this Court; That no man shall take any Tobacco within twenty Poles of any House, or so near as may indanger the same, or near any Barn, Corn, or Hay-cock, as may occasion the firing thereof, upon pain of *ten shillings* for every such offence, besides full Recompence of all Damages done by means thereof:

Nor shall any take Tobacco in any Inne or common Victual House, except in a private Room there, so as neither the Master of the said House, nor any other Guest there shall take offence thereat, which if any do, then such person shall forthwith forbear, upon pain of *two shillings six pence* for every such offence. And all fines incurred by this Law, the one half part shall be to the Informer, the other to the Poor of the Town where the offence is done. [1638, 47.]

Tolling.

Tolling of Cattle.

FOr the prevention of Felonious practises growing upon us, by Stealing of Horse-kinde, and other Neat Cattle, and selling them as their own;

It is Ordered by this Court and the Authority thereof, That there shall be a Toll-Book kept in every Town by the Clerk of the Writts, where- in all Horse-kinde; and other Cattle as aforesaid, bought of any person, shall be Entred, with their Age, Colour and Marks, at the peril of the Buyer, with the Name of the Seller; and such Seller shall have two vouchers to Testifie the said Seller to be the proper Owner of such Horse-kinde or other Cattle so sold; or in case of Horse-kinde or Cattle so sold, shall be challenged by any other person, the Vouchers in case of the escape of the Seller, shall be liable to all damages that shall arise there- upon: And the Clerk of the Writts shall have *three pence* of the Buyer, for entring every such Horse-kinde, or Neat Cattle; And if any Horse-kinde, or other Cattle as aforesaid, so bought by any person be not Toll'd, nor Sellers, nor Vouchers found, upon challenge of any such Cattle, the said Buyer shall be liable to all Damages, as the Felon himself should be were he present: And any person or persons having lost any Horse-kinde, or other such Cattle, shall have free liberty to search any Toll Book in any Town, in any such case. [1668.]

T O W N - S H I P.

VHereas particular Towns have many things which concern eney themselves and the ordering their own affairs, and disposing of busines in their own Town; L. 2. p. 10.

It is therefore Ordered, That the Freemen of every Town, with such others as are allowed, or the major part of them, shall have power to dispose of their own Lands and Woods, with all the Priviledges and Appurtenances of the said Towns, to grant Lots, and also to chuse their own particular Officers, as Constables, Surveyors for the High-ways, and the like Annually, or otherwise as need requires; And to make such Laws and Con- stitutions as may concern the welfare of their Town; Provided they be not of a Criminal, but of a Prudential nature, and that their penalties ex- ceed not *twenty shillings* for one offence, and that they be not Repugnant to the publick Laws and Orders of the Country.

Town's power to
dispos. Lands

Chooſe officers

To make Orders

And if any Inhabitant shall neglect or refuse to observe them, they shall have power to leavie the appointed penalty by Distress.

And if any man shall behave himself offensively at any Town-meeting, the rest then present shall have power to Sentence him for such offence, so as the penalty exceed not *twenty shillings*.

To choole Se-
lect-men

2. And every Town-ship hath power to chuse yearly, or for less time, a convenient number of fit men to order the Planting, and prudential Affairs of their Towns, according to instruction given them in Writing; Provided nothing be done by them contrary to the Laws and Orders of the Country, Provided also that the number of the Select-men be not above nine.

To dispose of
single persons

3. And all Towns shall take care from time to time, to Order and Dispose all single persons and in-mates within their Towns, to service or otherwise, and if any be grieved at such Order or Disposal, they have liberty to Appeal to the next County Court.

A. 58.

1670.

Who may Vote
in Towns

4. And it is hereby Ordered and Enacted; That all English-men, that are settled Inhabitants and House-holders in any Town, of the age of *twenty four years*, and of honest and good Conversations, being Rated at *eighty pounds* Estate in a single Country Rate, and that have taken the Oath of Fidelity to this Government, and no other (except Freemen) may be chosen Select men, Jurors or Constables, and have their Vote in the choice of the Select men, for the Town Affairs, Assessments of Rates and other Prudentials proper to the Town; Provided always the major part of the companies of Select-men be Freemen from time to time, that shall make a valid Act, as also where no Select-men are, to have their Vote in ordering Schools, Hearing of Cattle, laying out High-ways, and Distributing Lands; Any Law, Use or Custome to the contrary notwithstanding.

It is Ordered; That in stead of the sum of *twenty pounds* in the 4. Sect. tit. *Townships*, it shall be inserted instead thereof *eighty pounds*; Provided this change of that sum be not interpreted to exclude any person from the privilege granted him formerly in that Law. [1670.]

A. 53. p. 18.

Power to fine
such as refuse
the Office of
Constable

5. Whereas Complaints have been made, that many (especially in Boston) who are meet and fit to serve the Country in the Office of Constable, take encouragement to withdraw from that service by reason of the smallness of the fines that Towns have power to impose for such refusal;

It is therefore Ordered, That henceforth it shall be lawful for the Town of Boston, to impose the fine of *ten pounds*; and for all other Towns, to impose the fine of *five pounds* upon every such person (being legally chosen in the respective Towns) that shall refuse to serve in the Office of a Constable in the Town where he is chosen, if in his person he be able to execute it:

And the Select-men of every Town are hereby impowred to Order and Require the Constables to leave the said fines by Distress, which shall be to the use of the Town. [36, 42, 47, 53, 58.]

IT is Ordered, That hereafter no Cottage or Dwelling place shall be admitted to the privilege of Commonage for Wood, Timber and Herbage, or any other the Privileges that lye in Common in any Town or Peculiar, but such as already are in being, or hereafter shall be Erected by the consent of the Town. [1666.]

Town-ships pri-
vilege

IT is Ordered by this Court and the Authority hereof, That the following Order shall be directed and sent by the Clerks of the several Shire Courts, to the Constables of the Towns within their Shire, who are enjoined faithfully to execute the same; and if upon the Return made, it doth appear that the Select men are negligent in executing the Laws therein mentioned; the Court shall proceed against them by Admonition, or fine, as the merit of the case may require, and shall also dispose of single persons, or stubborn Children or Servants to the House of Correction, according to the intent of the Law, any Law, Custome or Usage to the contrary notwithstanding.

To the Constable of A.

WHereas the Law published by the Honoured General Court, lib. 1. pag. 76. sect. 3. do require all Towns from time to time, to dispose of all single persons and in-mates within their Towns to service, or otherwise, and in pag. 16. tit. Children and Youth;

It is required of the Select men, that they see that all Children and Youth, under Family Government, be taught to read perfectly the English Tongue, have knowledge in the Capital Laws, and be taught some Orthodox Catechism, and that they be brought up to some honest employment, profitable to themselves and the Common-wealth; and in case of neglect on the part of the Family Governours, after Admonition given them, the said Select men are required, with the help of two Magistrates, or next Court of that Shire, to take such Children or Apprentices from them, and place them forth, with such as will look more straitly to them.

The neglect whereof, as by sad experience from Court to Court abundantly appears, doth occasion much sin and prophaness to increase among us, to the dishonour of God, and the ensnaring of many Children and Servants, by the dissolute lives and practises of such as do live from under Family Government, and is a great discouragement to those Family Governours, who conscientiously endeavour to bring up their Youth in all Christian nurture, as the Laws of God and this Common-wealth doth require:

THese are therefore in His Majesties Name, to require you to acquaint the Select men of your Town, that the Court doth expect and will require, that the said Laws be accordingly attended, the prevalency of the former neglect notwithstanding: And you are also required to take a List of

M m

the,

the Names of those young persons within the Bourds of your Town, and all adjacent Farms though out of all Town Bounds, who do live from unauer Family Government, viz. do not serve their Parents or Masters, as Children, Apprentices, Hired Servants, or Journey-men ought to do, and usually did in our Native Country, being subject to their Commands and Discipline, and the same you are to return to the next Court to be held at the day of and hereof you are to make a true Return under your hand, and not to faile.

VV Hereas in the Law tit. Town-ships, The several Towns, and Select-men of the said Towns, have power to impose Penalties as the Law directs; And whereas many Constables question whether it be their Duty to serve Warrants from the Select-men for Persons to appear before them, and to leavie fines: For the removal of such Doubts, as an Addition to the said Law;

This Court doth Order and Require; That all Constables respectively, shall serve all Warrants from the Select men, and leavie all such fines as shall be imposed by the said Town or Select men. [1671.]

TREASURERS,

To keep perfect
Accounts

how to disburse

IT is Ordered by this Court and the Authority thereof; That the County Treasurer shall from time to time keep exact and perfect Books of Accounts; of all Transactions for the Country; and particularly of all Debts and Dues belonging to the Country, either by Forfeits, Fines, Rates, Gifts, Legacies, Rents, Customs, In positions or otherwise, as by Whales, Ship wracks, and things of like nature, where the Owner is not known, and the Country may claim a Privilege or Common Right unto; as also of all his payments and disbursements for the Countries use, which he shall not make but by virtue of some settled Custome, Law or Order of this Court, or by special Order of this Court, or of the Council, nor shall he make any Payment to any person indebted to the Country till such person either pay his Debt, or default so much as is due to the Country.

A. 34. p. 2.

County Treasu-
rer. how chosen

No Clerk of
Court to be
Treasurer

2. And it is further Ordered; That henceforth there shall be Treasurers Annually chosen in every County by the Freemen thereof, who shall give in their Votes in each Town, on the day of Voting for Nomination of Magistrates, which shall be sent sealed up by the same person to the Shire meeting, and there opened before the Commissioners, who shall certify the County Courts under their hands, the Name of the person chosen, Provided no Clerk or Recorder of any County Court shall be chosen Treasurer for the County.

And the said Treasurers, shall from time to time, keep exact and perfect Book of Accounts of all Transactions of the County, and particularly

cularly of all Debts and Dues belonging to the County, either by Forfeits, Fines, Rates, Gifts, Legacies, Rents, Customs or otherwise, as also all his Disbursements for the Charges of the County Courts, Shire Commissioners, with all other peculiar charges of the County which he shall pay by Order of the County Court, except the *twenty pounds* due to the Major of the Regiment for the year of publick exercise, which shall be paid by the County Treasurer as heretofore.

To pay the charge of the County

3. And it is Ordered; That all fines arising in any County Court, or by Order of one Magistrate or Commissioners impowred in Criminal Cases, shall from time to time be paid in to the Treasurer of that County where the Delinquent party doth dwell, except only where any person shall be taken in the manner, and immediately censured by Authority in any other County where such offence is committed.

A. 58.

All Fines arising in the County due to the County.

4. It is Ordered; That the Secretary of the General Court and Court of Assistants, and the Clerk or Recorder of every County Court, shall keep Books of Account, of all Dues arising within the cognizance of the respective Courts, by Entry of Actions, Fines or otherwise; as also a true account of the Fees of the Officers and other charges of the Court, which belongs to the respective Treasurers to satisfy; and within *fourteen days* after the end of every Court, the said Secretary and Clerk, shall deliver to the respective Treasurers, a true Transcript of all Fines and other dues, payable to the County or County, and the said Treasurers shall within one week after the Receipt of such Transcript, direct his Warrant to the Marshal or Constable for the leavying thereof.

Clerk of Courts to keep Accounts

To certify the Treasurer of all Dues in 14 daies

Treasurer to order Marshal to call

And if any Treasurer, Secretary, Marshal or Constable, make default herein, he shall suffer the penalty of making good all Damage that shall come thereby.

And every Treasurer, for his pains and service, is allowed *one shilling* in the pound of all fines received by him, and to be free from all County and County Rates.

Treas allowance

And all Treasurers are hereby enjoined once every year, to give an account of all their Transactions; the County Treasurer to the General Court, or to such as the said Court shall appoint, and present the same at the Court of Election yearly.

To give a yearly Account

And the County Treasurers shall likewise yearly present their Accounts to the County Courts; and if there be not enough in the Treasurers hands to satisfy the charges of the County, the said County Court shall give Warrant to leavie the Arrears upon the whole County by Rate, to be leavied upon each Town and Person (except such as are Rate-free) in proportion with the County Rate next before going, to be collected by the Constables of each Town, who are hereby enjoined to attend the same. [1648, 54, 57, 58.]

County Courts to raise Taxes to defray County charges

VV Hereas the Law tit. Treasurers, doth not so fully explain it self, as is intended; in order to the Execution of the same, in reference to County Treasurers;

This Court Declare; That the same Power and Directions given to the County Treasurer in his place, is likewise intended to the County Treasurer in his Place and Limits:

County Treas. power & duty

For the better discharge of his Duty, and that every Constable be trusted with the Collecting of any County Rate, which doth not within his year pay

in his respective County Rate, and make up his Accompts with the Treasurer from which he had his Warrant so to do;

Such Constable shall forfeit to the County forty shillings for his neglect, and be liable to clear his Accompts within two Months; and that every County Treasurer shall present the Names of such Constables as shall neglect their duty to the next County Court; And that Corn or other Goods paid in to the County Treasurers, shall be at the same prices that this Court shall from time to time set for the Country Rate; Any Custome or Usage to the contrary notwithstanding. [1662.]

TRYALS.

No cause to be
first brought to
the Gen. Court

It is Ordered; That all causes between Party and party, shall first be tryed in some Inferiour Court; and that if the party against whom the Judgement shall pass, shall have any new Evidence, or other new matter to plead, he may desire a new Tryal in the same Court upon a Bill of Review. And if Justice shall not be done him upon that Tryal, he may then come to this Court for Relief. [1642.]

Liberty for Tri-
als by Bench or
Jury

2. It is Ordered, and by this Court Declared; That in all Actions of Law it shall be the liberty of the Plaintiffe and Defendant by mutual consent to choose whether they will be tryed by the Bench, or by the Bench and Jury, unless it be where the Law upon just reason hath otherwise determined; the like liberty shall be granted to all persons in any Criminal case.

Liberty to chal-
lenge

3. Also it shall be in the liberty of both Plaintiffe and Defendant, and likewise of every Delinquent to be judged by a Jury; to challenge any of the Jurors, and if the challenge be found just and reasonable by the Bench or the rest of the Jury, as the challenger shall choose, it shall be allowed him, and *tales de circumstantibus* Impannelled in their room.

4. Also Children, Idcots, Distracted persons, and all that are Strangers or new comers to our Plantation, shall have such allowances, and dispensations in any case, whether Criminal or others, as Religion and Reason require. [1641.]

VAGABONDS.

This Court being sensible of the increase of Trophaness and Irreligiousness; by reason of the Vagrant and Vagabond life of sundry persons, as well Inhabitants as Forrainers, that wander from their Families, Relations and Dwelling

Dwelling places, from Town to Town, thereby drawing away Children, Servants, and other persons, both younger and elder, from their lawful Callings and Employments, and hardning the hearts of one another against all Subjection to the Rules of Gods Holy Word; and the Established Laws of this Colony: All which to prevent;

This Court doth hereby Order and Enact; That all such persons, where ever they may be found in any place of this Jurisdiction, be Apprehended by the Constable of the said place, with or without further Warrant, and and brought before the next Magistrate; who if upon Examination, shall finde them to be such as do not give a good and satisfactory account of such their Wandring up and down, they shall proceed with and against them as Rogues and Vagabonds, and cause them to be corporally punished, and sent from Constable to Constable, until they come to the place of their abode: Or in case they will not confesse where their abode is within this Colony, nor yet voluntarily depart out of the same, then to be sent to the House of Correction, there to remain until the next Court of that County. [1662.]

vagabonds and
wandring per-
sons

VOTES.

IT is Ordered, and by this Court Declared; That all and every Freeman, and others Authorized by Law, called to give any Advice, Vote, Verdict or Sentence in any Court, Council or Civil Assembly, shall have freedome to do it according to their true Judgement and Conscience, so it be done orderly and in-offensively for the manner, and that in all cases wherein any Freeman or other is to give his Vote, be it in point of Election, making Constitutions and Orders, or passing Sentence in any case of Judicature, or the like; if he cannot see Light or Reason to give it positively one way or other, he shall have liberty to be silent, and not pressed to a determinate Vote, which yet shall be Interpreted and Accounted as if he Voted for the Negative.

Liberty of
Voting

or to be silent

Neuters account-
ed on the nega-
tive

And further that whensoever any thing is to be put to a Vote, and Sentence to be Pronounced, or any other matter to be Proposed, or Read in any Court or Assembly, if the President or Moderator shall refuse to perform it, the major part of the Members of that Court or Assembly, shall have power to appoint any other meet person to do it, and if there be just cause, to punish him that should, and would not. [1651.]

U S U R Y.

IT is Ordered, Decreed, and by this Court Declared; That no man shall be adjudged for the meer forbearance of any Debt, above eight pound in the hundred, for one year, and not above the Rate proportionably for all sums whatsoever, (Bills of Exchange excepted) neither shall this be a colour or countenance to allow any Usury amongst us contrary to the Law of God. [1641, 43.]

N n

Wam.

W A M P A M P E A G.

Repealed.
1661.

IT is Ordered; That Wampampeag shall pass current in the payment of Debts, to the payment of *forty shillings*, the white at *eight a penny*, the black at *four*, so as they be entire without breaches or deforming spots, except in payment of Country Rates to the Treasurer, which no Town or person may do, nor he accept thereof from time to time. [1643, 48, 49, 50.]

W A T C H I N G.

A. 52. p. 12.

For the better keeping of Watches by the Constable in the time of peace; It is Ordered by this Court and the Authority thereof; That all Constables Watches in every Town of this Jurisdiction, shall begin the first of *May*, and continue till the end of *September*, upon the penalty of *five pounds*, to be leavied on every Constable neglecting the same.

Constable to set
the Watch

And it shall be the care of the Constable, to see that the Watch be so warned, that it may not consist of all, or the greater part Youths, but that able men be joyned with them, that the Watch may be a sufficient Watch; unless the Select-men of that Town, who have hereby power, shall otherwise Order and Dispose the said Watches, both respecting time, place, number and quality of persons; as to them shall seem most meet.

A. 57. p. 25.

Select-men to
order Watches

And all Inhabitants of this Jurisdiction (except such as are by Law exempted) shall according as they are warned to serve the Country in the Constables Watches, duely and strictly observe the charge given them by the Constables; And the Constables in every Town from time to time, are hereby enjoyned to give in their charge to Watch men, that they duely examine all Night-walkers after ten of the clock at night (unless they be known peaceable Inhabitants) to inquire whether they are going, and what their business is; and in case they give not reasonable satisfaction to the Watch-men or Constable, then the Constable shall forthwith secure them till the morning, and shall carry such person or persons before the next Magistrate or Commissioner, to give satisfaction for their being abroad at that time of night. And if the Watch-men shall finde any Inhabitant or Stranger, after ten of the clock at night, behaving themselves any wayes debauchedly, or shall be in drink, the Constable shall secure them, by commitment or otherwise, till the Law be satisfied.

Constables charge
to the Watch

Night-walkers
to be secured

And further, the Constable is to give the Watch-men in charge, to see all noises in the streets stilled, and lights put out (except upon necessary occasions) for the prevention of danger by fire as much as may be.

Watch to cause
lights to be put
out

L. 1. p. 52.

Neglect of
Watching for-
feits. s.

And every Constable shall present to one of the next Magistrates or Commissioners, the Name of every person, who shall upon lawful warning refuse or neglect to Watch or Ward, either in person, or by some other sufficient for that service, and if being convented, he cannot give a just excuse, such Magistrate or Commissioner shall grant Warrant to any Constable, to leavie *five shillings* of every Offender for such default, the same

fame to be employed for the use of the Watch of the same Town.

And it is the intent of this Law, that every person of able body (not excepted by Law) or of Estate sufficient to hire another, shall be liable to Watch and Ward, or to supply by some other, when they shall be thereunto required; And if there be in the same House divers such persons, whether Sons, Servants or Sojourners, they shall all be compellable to Watch as aforesaid; Provided, that all such as live or keep Families at their Farms, being remote from any Town, shall not be compellable to Watch and Ward in Towns. [1636, 46, 52, 57.]

Who compellable to Watch

THe Court understanding there is much inequality, in that divers are freed from those Watches, whereof all do receive equal benefit, for an *Explication of the Law concerning Constables watches;*

Do Order, the Magistrates, Deputies of this Court for the time being, Elders of Churches, the publick sworn Officers of the Country, with the Commission Officers in each Trained Band, be freed from all ordinary Watches and Wards of the Constables, and no other persons, except such persons as shall have special and personal Freedome by Order of this Court; any former Grant or Custome notwithstanding. [1661.]

Persons exempt from Constables Watches

Weights and Measures.

TO the end Measures and Weights may be one and the same throughout this Jurisdiction;

It is Ordered by the Authority of this Court; That the Country Treasurer shall provide upon the Countries charge, Weights and Measures of all sorts, for continual Standards, to be Sealed with the Countries Seal, viz. one Bushel, one half Bushel, one Peck, one half Peck, one Ale quart, one Wine pint, and half pint, one Elu, one Yard, as also a set of Brasse Weights to four pound, which shall be after sixteen Ounces to the Pound, with fit Scales, and steal Beams to weigh and try withal.

Standards to be provided by the Treasurer

And the Constable of every Town within this Jurisdiction, shall within three Moneths after publication hereof, provide upon the Town charge, all such Weights, at least of Lead, and also sufficient Measures as are above exprest, tryed and Sized by the Country Standards, and Sealed by the said Treasurer, or his Deputy in his presence, (which shall be kept and used only for Standards for their severall Towns) who is hereby Authorized to do the same, for which he shall receive from the Constable of each Town two pence for every Weight and Measure so proved, sized and sealed. And the said Constable of every Town, shall commit those Weights and Measures unto the custody of the Select-men of their Towns for the time being, who with the said Constable are hereby enjoyned to chuse one able man to be Sealer of such Weights and Measures for their own Town from time to time, and till another be chosen, which man so chosen, they shall present to the next County Court, there to be sworn to the faithful discharge of his duty, who shall have power to send forth his Warrants by the Constable, to all the Inhabitants of their Town to bring

Constables to provide Standards for Towns

Sealers to be chosen by the Select men

To be sworn at the County Court

His duty

his Fees,

bring in all such *Measures* and *Weights* as they make any use of, in the second Moneth from year to year, at such time and place as he shall appoint, and make a return to the Sealer in Writing of all persons so summoned; that then and there all such *Weights* and *Measures* may be proved and sealed with the Town Seal, (such as in the Order for Town Cattle) provided by the Constable at each Towns charge; who shall have for every Weight and Measure so Sealed one penny from the Owners thereof at the first Sealing. And all such *Measures* and *Weights* as cannot be brought to their just Standard, he shall deface or destroy; and after the first sealing shall have nothing so long as they continue just with the Standard.

And that none may neglect their Duty herein;

It is further Ordered by the Authority aforesaid; That if any Constable, Select men, or Sealer, do not execute this Order as to every of them appertains, they shall forfeit to the Common Treasury forty shillings for every such neglect, the space of one Moneth; and also that every person neglecting to bring in their *Weights* and *Measures* at the time and place appointed, they shall pay three shillings four pence for every such default, one half part whereof shall be to the Sealer, and the other half to the Common Treasury, which the Sealer shall have power to leave by distress from time to time. [1647.]

A. 55.

2. This Court considering the Complaints of several Abuses, in Measuring Corn, Boards, and Cording of VVood;

Select men to
appoint mea-
sures of Corp
&c.

Doth Order, That it shall be in the power of the Select men of every Town, to appoint one or two, or more as need shall require, who shall be sworn faithfully and uprightly, to Measure all such Corn, VVood or Boards, as they shall be called unto; and that no man shall be forced to receive any Corn, VVood or Boards, (except they agree thereunto) but such as is Measured by such person or persons so appointed and Sworn; the parties receiving the Corn, VVood or Boards, paying for the Measuring thereof. 1655.

VV H A R F A G E.

Rates for Wharfage

IT is Ordered by this Court and the Authority thereof; That these Orders shall be observed by all such as shall bring Goods to any VVharf, and these Rates following be allowed:

First, For VVood by the Tun three pence; for Timber by the Tun four pence; for Pipe-staves by the thousand ninepence; for Boards by the thousand six pence. for Merchants Goods, whether in Cask or otherwise by the Tun, six pence; for Dry Fish by the Quintal one penny; for Corn by the Quarter one penny and a half penny; for great Cattle by the Head two pence; for Goats, Swine, or other small Cattle, except such as are sucking their Dams, by the Head a half penny; for Hay, Straw, and all such Combustible Goods, by the Load six pence; for Stones, by the Tun a penny; for Cotton VVool, by the Bag two pence; for Sugar, by the Chest three pence: Provided that VVharfage be taken only where the VVharfs are made and maintained; and that VVood, Stone and weighty Goods, shall be set up an end, or laid seven foot from the side of the VVharf, upon penalty of double VVharfage, and so for other Goods, and that no Goods

Goods lye on the Wharf above forty eight hours without further agreement with the VVharfinger: And that it shall be lawful for the VVharfinger to take according to these Rates out of the Goods that are Landed, except they be satisfied otherwise.

2. And it is further Ordered; That none shall cast an Anker, Graplin, or Killack, within or neer the Cove at Bolton, where it may indanger any other Vessels, upon penalty of ten shillings, half to the Country, half to the VVharfinger, besides paying all Damages.

3 And that it shall not be lawful for any person to cast any Dung, Draught, Dirt, or any thing to fill up the Cove, or to annoy the Neighbours, upon penalty of forty shillings, the one half to the Country, the other half to the Wharfinger. [1647.]

W I L L S.

VV Hereas it is found by experience, that some men dying, having made their VVills for the disposing of their Estates, that the said VVills are concealed, and not Proved and Recorded; and some others dying Intestate, no Administration is sought for, nor granted in any legal way, and yet the VVives, Children, Kinred, or some friends of the Deceased, or some others do enter upon the Lands, and possess themselves of the Goods of the said Deceased, and the same are many times sold or wasted before the Creditors to whom the Deceased was indebted knew of whom to Demand, or how to recover their just Debts; For prevention of such unjust and fraudulent dealings;

It is Ordered by this Court and the Authority thereof; That if any Executor Nominated in any Will, and knowing thereof, shall not at the next Court of the County, which shall be above thirty dayes, after the decease of the party, make Probate of any VVill of any deceased party, or shall not cause the same to be Recorded, by the Recorder or Clerk of that County Court where the deceased party last dwelt, or if any person whatsoever, shall not within the same time take Administration of all such Goods, as he hath or shall enter upon of any Party deceased, or if any person or persons shall Alienate or Imbezel any Lands or Goods, before they have Proved and Recorded the Will of the Deceased, or taken Administration, and brought in a true Inventory of all the known Lands, Goods and Debts of the deceased; every such person so Administring or Executing, shall be Liable to be Sued, and shall be bound to pay all such Debts respectively, as the deceased party owed, whether the estate of the deceased were sufficient for the same or not; and shall also forfeit to the Country so many summs of five pounds as shall be Months betwixt the next Court of that County, after the death of the party as aforesaid, and the proving of such VVill, and Recording it, or the taking of such Administration.

And if any person shall Renounce his Executorship, or that none of the friends or kindred of the deceased party that shall dy intestate, shall seek for Administration of such persons estate, then the Clerke of the writs of

L. 2. p. 16.

Will to be proved next Court

Entering the will without Administration obtained

Liable to pay all Debts.

Five pound per month for not proving Wills

If Executor renounce, the Clerk to give notice to Court

such

such Town where any such person shall dy, shall within one Month after his decease, give notice to the Court of that County to which such Town doth belong, of such Renouncing of Executorship, or not seeking of Administration, that so the Court may take such Order therein as they shall think meet, who shall also allow such Clerke due recompence for his paines, and if any such Clerke shall faile herein, he shall forfeit *forty shillings* to the Treasury for every months default. [1649.]

A. 52. P. 15

2. And because many Merchants, Seamen and other Strangers, resort-
ing hither oftentimes, Dying and leaving their Estates undisposed of, and
very difficult to be preserved in the interim from one County Court to another :

Two Magistrates
to take probate
of Wills.

To graunt Ad-
ministration

It is therefore Ordered, that it shall and may be Lawfull for any two Magistrates with the Recorder or Clerk of the County Court, Meeting together, to allow of any Will of any deceased party, to the Executors or other persons in the VWill mentioned, so as the VWill be testified on the Oath of two or more VWitnesses, and also to Graunt Administration to the Estate of any person dying intestate within the said County, to the next of Kin, or to such as shall be able to secure the same for the next of Kin, and the Recorder or Clerk of the Court, shall enforme the rest of the Magistrates of the County, at the next County Court, of such VWill proved or Administration Graunted, and shall Record the same. [1652.]

L. 1. P. 53.

L. 2. P. 6.

County Court to
divide the estate
undisposed.

Eldest Son a
double portion

3. And it is Ordered, that when the Husband or Parents dy intestate, the County Court of that Jurisdiction where the party had his last Residence, shall have Power to assign to the widdow, such a part of his estate as they shall judge just and equal; as also to divide and assigne to the Children or other Heires their severall parts and portions out of the said estate.

Provided, the Eldest Son shall have a double Portion, and where there are no Sons, the Daughters shall inherit as Copartners, unless the Court upon just Cause alledged shall otherwise determine. [1641, 49.]

WITNESSES.

IT is Ordered, Decreed and by this Court Declared, that no man shall be put to Death, without the Testimony of two or three Witnesses, or that which is equivalent thereunto. [1641.]

Testimonies
taken before one
Magistrate.

Witnesses to ap-
pear personally
living within
ten miles

2. And it is Ordered by this Court and the Authority thereof, That any one Magistrate or Commissioner Authorized thereunto by the General Court, may take the Testimony of any person of fourteen yeares of age, or above; of sound understanding and reputation, in any Case, Civill or Criminal, and shall keep the same in his own hands till the Court, or deliver it to the Recorder, publick Notary or Clerk of the writts, to be Recorded, that so nothing may be altered in it. Provided that where any such witness shall have his abode within ten miles of the Court, and there living and not disenabled by sickness or other infirmity, the said Testimony so taken out of Court, shall not be received or made use of in the Court, except the witnesses be also present to be further Examined about it.

Provid

Provided also that in all Capital Cases, all Witnesses shall be present, wheresoever they dwell.

And in Capital Cases,

3. And it is further Ordered by the Authority aforesaid, That any person Summoned to appear as a Witness in any Civil Court between party and party, shall not be compellable to travel to any Court or place where he is to give his Testimony, except he who shall so Summon him shall lay down or give him satisfaction for his Travail & Expences outward and homeward, and for such time as he shall spend in attendance in such case when he is at such Court or place, the Court shall Award due Recompence. And it is Ordered that two shillings a day shall be accounted due satisfaction to any witness for Travail and Expences, and that when the witness dwelleth within three miles and is not at charge to pass over any other Ferry then betwixt Boston & Charlestown, then one shilling six pence per diem shall be accounted sufficient, and if any witness after such payment or satisfaction, shall faile to appear to give his Testimony, he shall be liable to pay the parties damages upon an action of the Case. And all Witnesses in Criminal Cases shall have suitable satisfaction paid by the Treasurer, upon Warrant from the Court or Judge before whom the Case is tried.

Witness to have allowance for charges laid down.

Two shillings a day

One shilling six pence a day.

Witness not appearing to pay damages.

In Criminal Cases witness to be paid by the Treasurer, and levied on the Delinquent.

And for a General Rule to be observed in all Criminal Cases, both where the Fines are put in certain, and also where they are otherwise;

It is further Ordered by the Authority aforesaid, that the charges of witnesses in all such Cases shall be born by the parties delinquent, and shall be added to the Fines imposed, that so the Treasurer having upon Warrant from the Court, or other Judge satisfied such Witnesses, it may be repayed him with the fine, that so the witnesses may be timely satisfied and the Country not damaged. [1647.]

W O L V E S.

W Hereas great Loss and Damage doth befall this Common-wealth by reason of Wolves, which destroy great numbers of our Cattle, notwithstanding provision formerly made by this Court for suppressing of them: therefore for the better encouragement of any to set about a work of so great concernment;

A. 48.

It is Ordered by this Court and the Authority thereof, that any person either English or Indian that shall kill any Wolfe or Wolves, within ten miles of any Plantation in this Jurisdiction, shall have for every Wolfe by him or them so killed ten shillings, paid out of the Treasury of the Country; Provided that due proof be made thereof unto the Plantation next adjoining where such Wolfe or wolves were killed: And also they bring a Certificate under some Magistrates hand, or the Constable of that place unto the Treasurer; Provided also that this Order doth intend onely such Plantations as do Contribute with us to publick charges, and for such Plantations upon the River of Piscataway that do not joyn with us to carry on publick charges, they shall make payment upon their own charge. [1645.]

Law about Wolves.

B*Esides all other Considerations and Provisions for the destruction of Wolves;* It is Ordered by this Court and the Authority thereof; That every such Indian or Indians, as shall any way destroy any *Wolfe* or *Wolves*, and deliver the Heads of such Wolves unto the Select men of any Township in this Jurisdiction; shall receive of such Select men, either two pounds of Powder, and eight pounds of Shot, or one pound of powder, and four pounds of shot, and five shillings in Corne or other pay, or else they shall receive of the Country Treasurer, Ten shillings a head, and no powder and shot, which such Indian shall chuse; and such Select men as shall pay any Indian according to their order, shall rebate it out of their next Country Rate with the Treasurer; any Law or Custome to the contrary notwithstanding, and all Select men or others that by virtue of this Order or any other, shall make payment for any Wolves, shall cut off the Eares of all such Wolves heads, and cause them to be buried, that so none may be twice paid for. [1661.]

THis Court doth Order, as an Encouragement to persons to destroy Wolves; That henceforth every person killing any *Wolfe*, shall be allowed out of the Treasury of that County where such *Wolfe* was Slain, *Twenty shillings*, and by the Town *Ten shillings*, and by the Country Treasurer *Ten shillings*; which the Constable of each Town (on the sight of the eares of such Wolves being cut off) shall pay out of the next Country Rate, which the Treasurer shall allow. [1662.]

W O O D.

F*Or the avoiding of Injuries by Carts and Boats, to Seller and Buyers of Wood;*

It is Ordered by this Court and the Authority thereof; That where Wood is brought to any Town or House by Boat, it shall be thus Accounted and Assized; A Boat of *four Tuns* shall be accounted three Loads, *twelve Tuns*, nine Loads, *twenty Tun*, fifteen Loads, *six Tun*, four Load and halfe, *fourteen Tun*, ten Load and halfe, *twenty four Tun*, eighteen Load, *eight Tun*, six Load, *sixteen Tun*, twelve Load, *twenty eight Tun*, twenty one Load, *ten Tun*, seven Load and halfe, *eighteen Tun*, thirteen Load and halfe, *thirty Tun*, twenty two Load and halfe.

Except such Wood as shall be sold by the Cord, which is and is hereby Declared, to be Eight foot in length, four foot in height, and four foot broad. [1646, 1647.]

W O R K M E N.

Because the harvest of Hay, Corn, Hemp and Flax, comes usually sooner together, that much less can hardly be avoided;

It is therefore Ordered by the Authority of this Court, That the Constables of every Town upon Request made to them, shall Require any Artificers or handy crafts men meet to Labour, to work by the day for their Neighbours in mowing, reaping of Corn, and inning thereof; Provided that those men whom they work for, shall duely pay them for their work;

And that if any person so Required shall refuse, or the Constable neglect his Office herein, they shall Each of them pay to the use of the Poor of the Town, double so much as such Dayes work comes unto;

Provided no Artificer or Handy-crafts-man shall be compelled to Work as aforesaid, for others whiles he is necessarily attending on the like Business of his owne. [1646.]

WRECKS OF THE SEA.

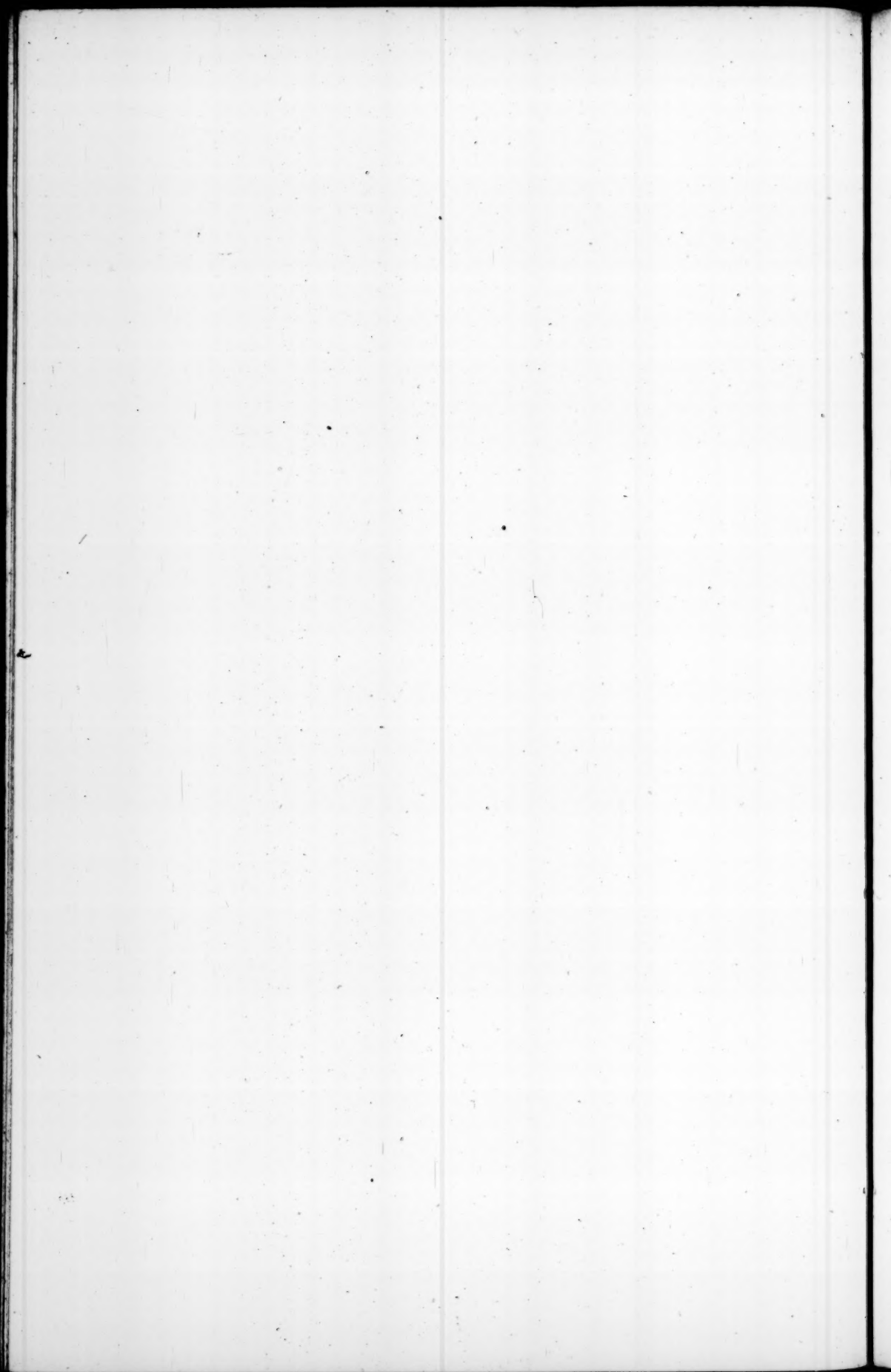
IT is Ordered, Decreed, and by this Court Declared; That if any Ships or other Vessells, be it Friend or Enemy, shall suffer Ship wreck upon our Coasts; there shall be no violence or wrong offered to their Persons or Goods, but their Persons shall be Harbourd and Relieved, and their Goods preserved in safety, till Authority may be Certified and shall take further Order therein.

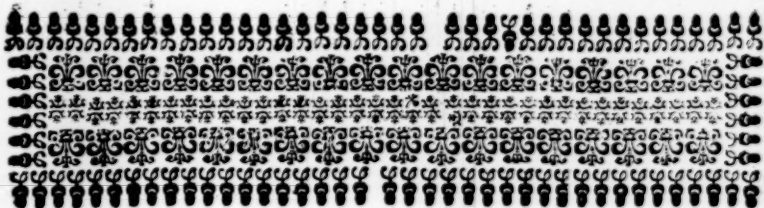
Also any Whale, or such like great Fish cast upon any shore, shall be safely kept, or improved where it cannot be kept, by the Towne or other Proprietor of the Land, till the General Court shall take Order for the same. [1641, 1647.]

W R I T S.

IT is Ordered by this Court and the Authority thereof, That henceforth all Writts, Process and Indictments, shall by all Magistrates, the Secretary, Clerks of the several Courts and Writts, be made and sent forth in his Majesties Name: *s. c.* You are hereby Required in his Majesties Name &c: [1662.]

F I N I S





PRESIDENTS & FORMES of things frequently Used.

TO [I. B.] Carpenter, of [D.] You are Required in His Majesties Name to appear at the next Court, holden at [B.] on the day of the month next ensuing; to answer the complaint of [N. C.] for withholding a debt of due upon a *Bond* or *Bill*: or for two Heifers &c. sold you by him; or for work, or for a Trespass done him in his Corn or Hay by your Cattle, or for a Slander you have done him in his name, or for Striking him, or the like; And hereof you are not to fayle at your Peril. Dated the day of the Month. [1641.]

Summons

TO the Marshall or Constable of [B.] or their Deputy. You are Required in His Majesties Name to Attach the Goods, or for want thereof the Body of [W. F.] and to take Bond of him to the value of with sufficient Surety or Sureties for his Appearance at the next Court holden at [S.] on the day of the Month; then and there to answer the Complaint of [T. M.] for &c. as before. And so make a true Return thereof under your hand. Dated the day &c.

Attachments.

By the Court R. F.

K Now all men by these presents, that we [A. B.] of [D.] Yeoman, and [C. C.] of the same, Carpenter, do bind our selves, our Heires and Executors to [R. F.] Marshall, or [M. O.] Constable of [D.] aforesaid, in Pounds upon condition that the said [A. B.] shall personally appear at the next Court at [S.] to answer [L. M.] in an Action of And to abide the Order of the Court therein, and not to depart without Licence.

Bond for Appearance.

TO the Marshall or Constable of You are Required in His Majesties Name, to Replevie three heifers of [T. P.] now distrained or impounded by [A. B.] and to deliver them to the said [T. P.]

Replevin.

Provided he give Bond to the Value of _____ with sufficient Surety or Sureties to prosecute his Replevin at the next Court holden at [B.] and so from Court to Court till the Cause be ended; and to pay such Costs and Damages as the said [A. B.] shall by Law Recover against him; And so make a true return thereof under your hand. Dated &c.

By the Court R. F.

Commissioners for the United Colonies,

Their Power

VV Hereas upon serious Consideration, We have concluded a Confederacie with the English Colonies of New-Plimouth, and Connecticut, as the Bond of Nature, Reason, Religion and Respect to our Nation doth Require;

We have this Court, Chosen our Trustie and well beloved Friends, [S. B.] and [T. D.] for this Colonie; for a full and compleat Year, as any Occasions and Exigents may Require, and particularly for the next meeting at [P.] And do Invest them with full Power and Authority, to Treat and Conclude of all things, according to the true Tenour and Meaning of the Articles of Confederation of the United Colonies, Concluded by the General Court held at Boston the fiftenth of May. [1672]

Oath of Fidelity.

VV Hereas I [A. B.] am an Inhabitant within this Jurisdiction, Considering how I stand Obliged to the Kings Majesty, his Heires and Successors, by our Charter and the Government Established thereby; Do Swear accordingly by the great and dreadfull Name of the Ever-Living God, that I will bear Faith and true Allegiance to our Sovereign Lord the King, his Heires and Successors; and that I will be True and Faithfull to this Government, and accordingly yeild Assistance thereunto, with my person and estate, as in equity I am bound;

And will also truly endeavour to Maintain and Preserve all the Liberties and Priviledges thereof; Submitting my self unto the wholesome Laws made and established by the same.

And farther that I will not Plot or practice any evill against it, or consent to any that shall so do: but will timely discover and reveal the same to Lawfull Authority now here established, for the speedy preventing thereof. So help me God in our Lord Jesus Christ.

Freemans Oath.

VV Hereas I [A. B.] being an Inhabitant of the Jurisdiction of the Massachusetts, and now to be made free; Do hereby acknowledge my selfe to be subject to the Government thereof (Considering how I stand obliged to the Kings Majesty, his Heires and Successors, by our Charter and the Government established thereby: Do Swear accordingly, by the Great and Dreadfull Name of the Ever-Living GOD, that I will bear Faith and true Allegiance to our Sovereign Lord the King, his heires and Successors,) and that I will be True and Faithfull to the same, and will accordingly yeild Assistance and Support thereunto with my person and estate, as in equity I am bound; And will also truly endeavour to maintain and preserve all the Liberties and priviledges thereof, submitting my selfe to the wholesome Laws made and established by the same;

And farther that I will not Plot nor Practice any Evill against it, or consent to any that shall so do, but will timely discover and reveal the same to

Law

Lawfull Authority now here established, for the speedy prevention thereof. Moreover I do Solemnly bind my selfe in the light of God, that when I shall be called to give my Voyce touching any such matter of this State wherein Freemen are to deal, I will give my Vote and Suffrage as I shall in mine own Conscience judge best to Conduce and tend to the Publick Weale of the body, without respect of persons or favour of any man. So help me God in our Lord Jesus Christ.

VV Hereas you [R. B.] Esq. are Chosen to the place of Governour over this Jurisdiction of the *Massachusetts*, for this year, and till a new be Cosen and Sworn, Considering how you stand Obligated to the Kings Majesty, his Heires and Successours, by our Charter and the Government established thereby; Do Swear accordingly by the Great and dreadfull Name of the Ever-Living God, that you will bear Faith and true Allegiance to our Sovereigne Lord the King, his Heirs and Successors; that you will in all things concerning your place according to your best power and skill, Carry and Deemean your self for the said time of your Government, according to the Lawes of God, and for the Advancement of his Gospel, the Laws of this Land and the good of the people of this Jurisdiction.

Governours
Oath.

You shall do Justice to all men without partiality, as much as in you lyeth, you shall not exceed the Limitations of a Governour in your place. So help you God, in our Lord Jesus Christ.

VV Hereas you [J. L.] are Chosen to the place of the Deputy Governour &c. as in the Governours Oath, *mutatis mutandis*.

Deputy Governours
Oath.

VV Hereas you [S. B.] are Chosen to the place of Assistant over this Jurisdiction of the *Massachusetts*, for this year and untill new be chosen and Sworn; Considering how you stand Obligated to the Kings Majesty, his Heirs and Successors, by our Charter and the Government established thereby; Do Swear accordingly by the Great and dreadfull Name of the Ever-Living God, That you will bear Faith and true Allegiance to our Sovereigne Lord the King, his Heirs and Successors; That you will truly endeavour according to your best skill to carry and demean your selfe in your place for the said time, according to the Laws of God and of this Land, for the Advancement of the Gospel, and the good of the People of this Jurisdiction; You shall Dispense Justice equally and impartially, according to your best skill in all Cases wherein you shall Act, by Virue of your place; You shall not wittingly and willingly exceed the Limitations of your place, And all this to be understood during your aboad in this Jurisdiction. So help you God in our Lord Jesus Christ.

Assistants
Oath.

VV Hereas you [J. L.] have been Chosen to the Office of a Sergeant Major General, of all the Military Forces of this Jurisdiction for this present year, Considering how you stand Obligated to the Kings

Major Generals
Oath.

Kings Majesty, his Heirs and Successors by our Charter and the Government established thereby; Do Swear accordingly by the Great and dreadful Name of the Ever Living God, That you will bear Faith and true Allegiance to our Sovereign Lord the King, his Heires and Successours; And that by your best skill and ability you will Faithfully discharge the Trust committed to you, according to the Tenour and Purport of the Commission given you by this Court. So help you God &c.

*Treasurers
Oath*

WHereas you [R. R.] are Chosen *Treasurer* for the Jurisdiction of the *Massachusetts* for this year and until a new be Chosen, Do promise to give out Warrants with all convenient diligence for collecting all such sums of Money as by any Court, or otherwise have been, or shall be appointed, and to pay out the same by such sums, and in such manner as you shall be lawfully appointed by this Court, if you shall have it in your hands of the common Treasury. And to return the names of such Constables as shall be failing in their office in not collecting and bringing in to you such sums as you shall give Warrant for: And render a true Account of all things concerning your said Office, when by the General Court you shall be called thereto. So help you God in our Lord Jesus Christ.

*Secretaries
Oath*

WHereas you [E. R.] are chosen Secretary for the year ensuing; You do here Swear by the Everliving God, that you will in all things faithfully demean your self in the said Office; That you will truly and uprightly, according to your best skill and Wisdom frame all Acts and Instruments of publick concernment referring to your Office, duely observing such Directions as shall from time to time be given unto you by the General Court or Council of this Common-weal, and fairly Record, and safely keep the same: That you will not disclose the consultations of the General Court where at any time you shall have express charge of secrecie, nor of the Council where at any time you shall have like charge of secrecie: That you will without delay impart to the Governour or Deputy Governour, what ever Letter or Information shall come to your hand, referring to your Office, and of publick Concernment to the Common-weal, General Court or Council; and that you will not wittingly or willingly exceed the limits of your place. So help, &c.

*Publick No-
taries Oath.*

YOU [W. A.] here Swear by the Name of the Everliving God; That in the Office of a Publick Notary to which you have been chosen; You shall Demean your self diligently and faithfully according to the duty of your Office; and in all Writings, Instruments and Articles that you are to give Testimony unto when you shall be required, you shall perform the same truly and sincerely according to the nature thereof, without delay or Covin. And you shall enter and keep a true Register of all such things as belong to your Office. So help you, &c.

You

YOU [E. M.] shall diligently, faithfully, and with what speed you *Marshals* may, collect and gather up all such fines and sums of money, in such *Oath* Goods as you can finde of every person, for which you shall have Warrant so to do by the Treasurer for the time being; And with like faithfulness, speed and diligence, leavie the Goods of every person, for which you shall have Warrant so to do, by virtue of any Execution granted by the Secretary or other Clerk Authorized thereunto for the time being: And the same Goods so Collected or Leavied, you shall with all convenient speed deliver in to the Treasurer, or the persons to whom the same shall belong; And you shall with like care and faithfulness serve all Attachments directed to you which shall come to your hands, and return the same to the Court where they are returnable, at the times of the return thereof. And you shall perform, do, and execute all such lawful Commands, Directions and Warrants, as by lawful Authority here established, shall be committed to your care and charge according to your Office. All these things in the presence of the living God, you binde your self unto by this your Oath, to perform during all the time you continue in your Office, without favour, fear, or partiality of any person. And if you meet with any case of difficulty, which you cannot resolve by your self, you may suspend till you may have Advice from Authority: So help &c.

FOrasmuch as every Magistrate, Associate, Commissioners for small Causes, &c. are under an Oath of God, and that no provision hath been made for such as are invested with Magistratical power by this Court;

It is Ordered; That every man to whom such power is derived, shall henceforth take the Oath here under written before some County Court or Magistrate, before he Exert his Authority therein:

VWhereas you [A. B.] Appointed and Commissionated to Act and *Commissioners Oath* Do in sundry respects as any one Magistrate may do, as expressed in your Commission; You do here Swear by the Great and Dreadful Name of the Everliving God, that you will faithfully Demean your self therein, without favour or affection to any, to the best of your knowledge, according to the Laws here established: So help you God, &c.

YOU [M. N.] being chosen Associate for the Court for this year, *Associates Oath* and till new be chosen, or other Order taken; Do here Swear, that you will do equal Right and Justice in all Cases that shall come before you, after your best skill and knowledge according to the Laws here established, So help you God, &c.

VWherefore any Three Men are deputed to end Small Causes, the Constable of the place within one Moneth after shall return their Names to the next Magistrate, who shall give Summons for them forthwith to appear before them; who shall administer to them this Oath:

Three mens
Oath

YOU, [A. B.] being chosen and appointed to end small Causes not exceeding forty shillings value, according to the Laws of this Jurisdiction for this year ensuing; Do here Swear by the living God, that without favour or affection, according to your best light; you will true Judgement give, and make, in all the Causes that come before you: So help you God, &c.

Grand Jurors Oath.

YOU Swear by the Living God, that you will diligently inquire and faithfully Present to this Court whatsoever you know to be a breach of any Law established in this Jurisdiction according to the minde of God; And whatsoever Criminal Offences you apprehend fit to be here presented, unless some necessary and Religious tye of Conscience truly grounded upon the Word of God binde you to secresie. And whatsoever shall be legally committed by this Court to your Judgement, you will return a true and just Verdict therein according to the Evidence given you, and the Laws Established amongst us: So help you God, &c.

Petty Jurors Oath

YOU Swear by the Living God, that in the Cause or Causes now legally to be committed to you by this Court; You will true Tryal make, and just Verdict give therein, according to the Evidence given you, and the Laws of this Jurisdiction: So help you God, &c.

Oath of
Life and
Death

YOU Do Swear by the Great Name of Almighty God; that you will well and truly try, and true deliverance make of such Prisoners at the Bar, as you shall have in charge, according to your Evidence: So help you God, &c.

Witnesses Oath

YOU Swear by the Living God, that the Evidence you shall give to this Court concerning the Cause now in question, shall be the Truth, the whole Truth, and nothing but the Truth: So help you God, &c.

Untimely
Death

YOU Swear by the Living God, that you will truly present the Cause and manner of the Death of [? B.] according to Evidence, or the light of your Knowledge and Conscience: So help you God, &c.

The Form of the Oath to be Administred to the Sergeant-Majors of the several Regiments, and so Mutatis Mutandis to the other Military Officers.

Sergeant
Major & c.
their chief Of
ficers Oath.

VHereas you [R. S.] have been chosen to the Office of Sergeant Major of the Regiment, in the County of [M.] for this present year, and until another be chosen in your place; You do here Swear by the Living God, that by your best skil and ability, you will faithfully discharge

discharge the trust committed to you, according to such Commands and Directions as you shall from time to time, upon all occasions receive from the Sergeant Major General, by virtue of his Commission from the Court, and according to the Laws and Orders by this Court Made and Established in this behalf: So help you God, &c.

YOU [R. B.] Swear truly to perform the Office of a Clerk of a Trained Band, to the utmost of your Ability or Endeavours, according to the particulars specified, (and peculiar to your Office) in the Military Laws: So help you God, &c. *Clerk of the Bands Oath*

YOU shall faithfully Endeavour with all good Conscience, to Discharge this trust committed to you, as you shall apprehend to Conduce most to the safety of this Common Wealth: You shall not by any sinistre devices, or for any partial respects, or private ends, do any thing to the hindrance of the effects of any good and seasonable Councils: You shall appoint or remove no Officer by any partiality, or for personal respects or other prejudice, but according to the merit of the person in your apprehensions: You shall faithfully endeavour to see that Martial Discipline may be strictly upholden, not easing or burthening any, otherwise then you shall judge to be just and equal: You shall use your power over mens lives, as the last and only means, which in your best apprehensions shall be most for the publick safety in such case: So help you God, &c. *Commissioners of the Martial Discipline Oath*

WHereas you [E. G.] are chosen Constable within the Town of [C.] for one year now following, and until other be sworn in the place: You do here Swear by the Name of Almighty God, that you will carefully intend the preservation of the Peace, the discovery and preventing all attempts against the same: You shall duely execute all Warrants which shall be sent unto you from lawful Authority here Established, and shall faithfully execute all such Orders of Court as are committed to your care: And in all these things you shall deal seriously and faithfully while you shall be in Office, without any sinistre respects of favour or displeasure: So help you God, &c. *Constables Oath*

VV Hereas you [J. G.] are chosen an Officer for the Searching and Sealing of Leather, within the Town where you now dwell, for the space of a year, and till another be chosen and sworn in your room; You do here Swear by the Everliving God, that you will carefully and duely attend the Execution of your said Office with all faithfulness for the good of the Common-wealth, according to the true intent of the Laws in such case provided: So help you God, &c. *Leather Sealers Oath*

*Clerk of
Markets
Oath*

YOU [C. D.] here Swear by the Ever living God, that you will from time to time, faithfully execute your Office of Clerk of the Market in the Limits whereto you are appointed for the ensuing Year, and till another be chosen and sworn in your place: And that you will do therein impartially, according to the Laws here established in all things to which your Office hath relation: So help you God, &c.

*Searchers
Oath*

YOU [S. S.] do here Swear by the Ever living God, that you will to your power faithfully execute the Office of a Searcher for this year ensuing, and till another be chosen and sworn in your place concerning all Goods prohibited, and in special for Gun powder, Shot, Lead, and Amunition: and that you will diligently search all Vessels, Carriages, and Persons that you shall know, suspect or be informed, are about to transport or carry any thing out of this Jurisdiction contrary to Law. And that you will impartially seize, take, and keep the same in your own Custody: one half part whereof shall be for your service in the said place, the other you shall forthwith deliver to the Treasurer: All which Goods so seized and disposed you shall certify under your hand to the Auditor General within one moneth from time to time: So help you God, &c.

*Apprizers
Oath*

WHEREAS you [T. D.] are chosen Apprizer of such Land or Goods as are now to be presented to you; You do here Swear by the living God, that all partiality, prejudice and other sinistre respects laid aside, you shall Apprize the same, and every part thereof, according to the true and just value thereof at this present by common account by your best judgement and conscience: So help you God, &c.

*Viewers of
Pipe-slaves
Oath*

WHEREAS you [P. B.] are chosen Viewer of Pipe-slaves within the Town of [B.] You do here Swear by the Ever living God, that at all convenient times while you shall be in place, when you shall be required to execute your Office, you shall diligently attend the same, and shall faithfully without any sinistre respects, Try and Sort all Pipe-slaves presented to you, and to make a true Entry thereof according to Law: So help you God, &c.

*Customers
Oath.*

WHEREAS you [A. B.] are chosen Customer for the year ensuing, You do here Swear by the Ever living God, that you will from time to time faithfully execute your Office to your best skill, according to the Orders of this Court, for the Custome of all such Goods as are Imported or Exported, due by Law unto the Country, and all other things belonging to your Office, and to give a true Accompt to the Treasurer at the end of every three Moneths from time to time, or when you shall by Law be thereunto required: So help you God, &c.

You

YOU Swear, &c. That you shall Impartially view such Fish as are presented before you, and determine what part thereof is Merchantable, and which is Refuse Fish and un-Merchantable, according to your best skill, knowledge and judgement: So help you God, &c.

*Viewers of
Fish Oath.*

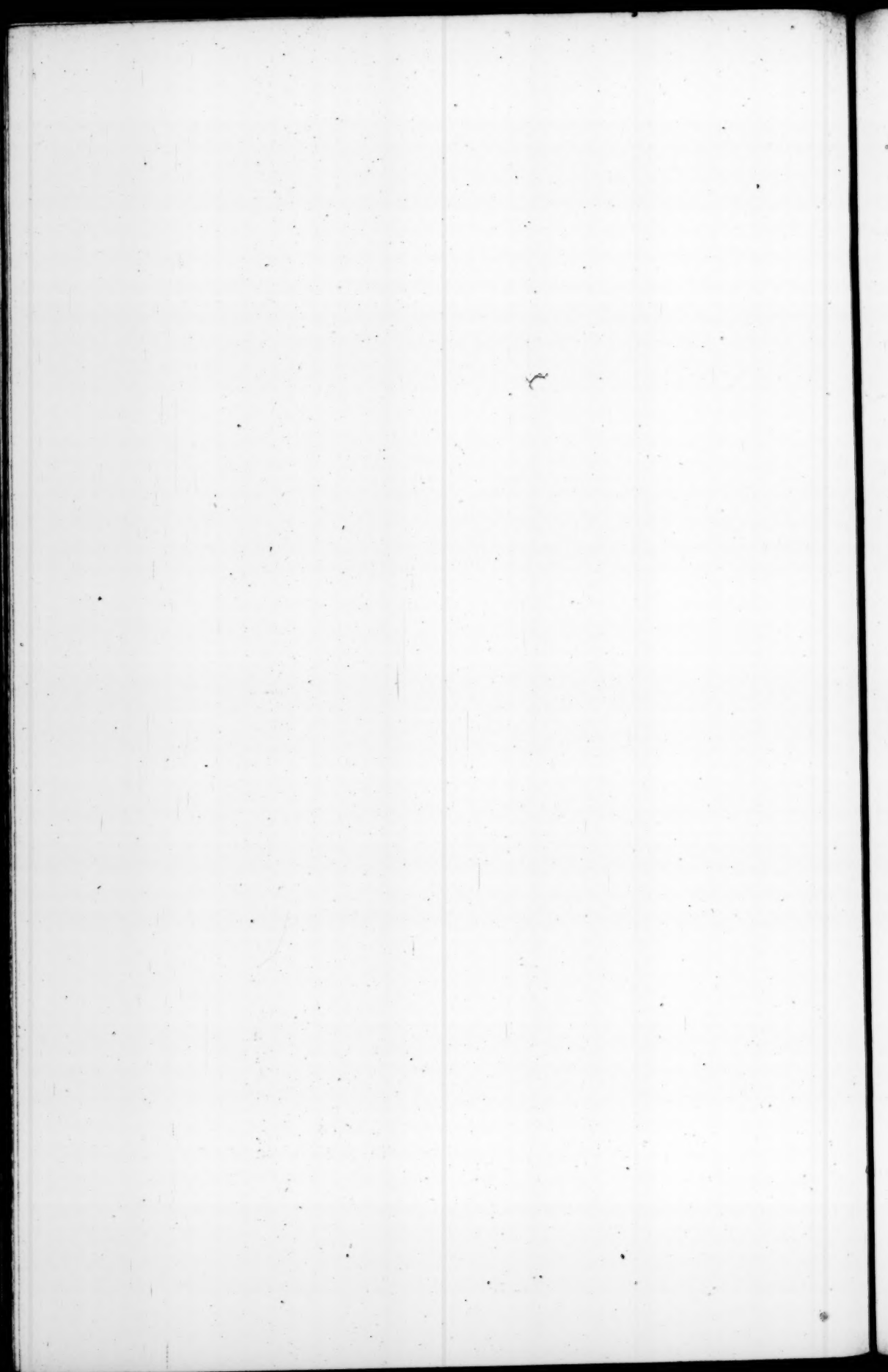
VHereas you [*A. B.*] are chosen a Packer of Beef, Pork, and other things for the Town of [*B.*] You do here Swear by the Living God, that you will well and truly Pack all Beef, Pork, and other things when you shall be thereunto required; You shall Pack no kinde of Goods but such as are good and sound, nor any Goods in any Cask that is not of a just and full Gage; You shall also set your particular Mark upon all Cask Packed by you, and in all things proper to the place of a Packer, you shall faithfully discharge the same from time to time according to your best Judgement and Conscience: So help you God in our Lord Jesus Christ. [*1652.*]

*Packers
Oath.*

F I N I S.

E R R A T A.

PAge 1. line 8 read & *May 1671.* in *Bondslavery* l. 3. r. or shall for as. Coopers p. 17. l. 12. r. pag. 61. l. 24. r. pag. 88. p. 40. l. 4. r. the Subscription l. 9. r. Administrators. p. 46. l. 5 r. Ministry. l. 12. r. Heterodox. l. ult. r. 1668. p. 54. sect. 2. of Fornication. l. 2. r. pag. 33. & after Punishment r. pag. 67. p. 56. l. 28. r. privileged. l. 30. r. suffrage. p. 57. l. 2. *dele.* made. p. 77. l. 22. r. appoint thereunto p. 84. l. 31. r. being thereof. p. 70. l. 2. r. pag. 39. p. 116. l. 1. r. relating p. 80. l. 27. r. expressed. p. 15. for Sect. 18. r. 14. for. 17. r. 16. next page r. folio 16. l. 6. r. that. p. 102. l. 21. r. 1670. p. 9. l. last but one r. Feoffees in l. ult. r. 1671. p. 73. l. 8. r. are p. 134. l. 17. r. proceed. p. 155. l. 11. r. Explication.



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Actions		From one Magistrate and Commissioners of Towns, see Causes p. 21. s. 2.
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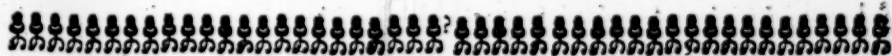
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Several Laws and Orders made at the
G E N E R A L C O U R T
Holden at Boston the 15th. of May

1 6 7 2.

And Printed by their Order.

Edward Rawson Secr.

JURIES VERDICT.



His Court being desirous to prevent all Dissatisfaction and Inconveniencies that may arise in the Tryal of Civil Cases in Inferiour Courts, sometimes happening by reason of Disagreement between the Bench and Jury formerly allowed by Law;

Do Order and Enact; That henceforth in all County Courts, after that the Bench have used all reasonable endeavours for clearing the case to the Jury, by declaring the Law, and comparing the matter of Fact and Damage proved therewith, the Verdict of the Jury finally given, shall be accepted, and Judgement accordingly Entred: And in like manner shall the proceeding be in the Court of Assistants, unless upon apparent corruption or error in the Jury giving in their Verdict contrary to Law or Evidence, the party cast shall in open Court Attaint the Jury, and give sufficient Bond and Sureties within twelve hours after the Verdict is accepted, to prosecute the said Jury at the next Court of Assistants, in an Action of Attaint, in which Case Execution shall be respited, and the Clerk of that Court shall Summon a Jury of *twenty four* Able and Discreet men chosen as the Law Directs, to attend the service of the Court where the said Action of Attaint shall be tryed in the first place, and if on tryall of the case, there shall be found manifest Error or Mistake, the party Complaining shall be Repayed his full damage from the other party

*Juries Verdict
to be Read and
not refused.*

*Plaintiff and De-
fendants lib-
to Attaint the
Jury in Case*

Juries attainted
how Tried.

to the Original Suit and if by the said Jury of twenty four, there be found Bribery, Conspiracie, or other Corruption, in the Jury attainted, they shall be punished by *Fine or Imprisonment*, proportionable to the degree of their Offence; And if otherwise, the twenty four Jurors shall acquit the former Jurors accused, they shall be allowed double Costs from the party accusing, and their Verdict and the Judgement of the former Court shall stand good, and execution shall be Issued forth accordingly; And that Clause in the Law, allowing the Magistrates not to Concur with, or refuse the Verdict of the Jury is hereby Repealed.

SURETIES.

Where Bonds
are forfeited the
Case to proceed.

Execution to
Issue out against
Sureties

FOR Explanation of, and Addition to the Law tit. Sureties and goods Attached, where it is provided that Sureties as well as Principalls shall be Responsible for one month to pay the Debt, unless he or they Surrender the Principal into the hands of the Marshall or Deputy, but no way provided in the said Law how the Sureties may be compelled thereunto;

It is therefore Ordered, and hereby Declared, That in such Case the Party and Sureties being called and the Bond declared forfeited upon non-appearance, the Case shall proceed to hearing, and Judgement at the same Court, as in case of the Defendants non-appearance upon Attachment of Goods: And if the Case be found for the Plaintiff, that Judgement be granted against him and his Sureties, and Execution be Issued out accordingly, and to be in force against the Sureties as well as the Principall, for one month after Judgement given, as the said Law Intends.

No strong Liquor to Workmen.

Law prohibiting
Wine or strong
Liquors to work
men.

VV Hereas there have been sundry and frequent complaints preferred to this Court, of Oppression by Excessive wages of Workmen and Labourers, which notwithstanding the endeavours of this Court to redress, such oppressions continue and further increase, by a dangerous Imposition of such persons on those they work and labour for, by demanding an allowance of Liquors or wine every day over and above their wages, without which it is found by too sad experience many refuse to work; Now forasmuch as such a practice of drinking liquors and wine, tends much to the rooting young persons in an evil practise, and by degrees to trayn them up to an habit of excess;

It is therefore Ordered by this Court and by the Authority thereof, and be it hereby Enacted; That if any person or persons after the publication hereof, shall give wine or strong liquors to any workmen or boyes that work with them, except in cases of necessity, shall pay twenty shillings for every such Offence.

M I L I T A R Y.

THis Court taking into thir serious Consideration the weight and necessity that lyeth on them, to see that all Souldiers, (especially at such a season as this) should be fitted with Armes, and well skilled to use them; And because the welfare of each Military Troop and foot Company, both in their being provided with, and knowledge of their use of Armes, lyeth very much in the Clerk of each Companies carefull and faithfull observation and execution of his Office, in the seasonable and due levying of such Fines as are by Law due for defects, the neglect whereof too sad experience sheweth, hath done very great hurt in many Companies, for preventing such Inconveniencies for the Future;

This Court doth Order, That what Fines shall be due according to Law from any Souldier for defect, in either Armes or Traynings, which the Clerk or Clerks of the said Troop or Company shall not leavie and gather into his hands, within one Moneth after the Training day on which the said defect is made, it shall be in the power of the Captain or chief Officer of that Troop or Foot Company to send the Marshal or Constable with an Execution, and leavie the said Fines upon the Estate of any such Clerk or Clerks so defective, unless the said Clerk can make it appear to the Captain, that he or they have been hindred either by sickness or the absence of the person delinquent being out of Town.

And it is further Ordered; That the Clerk or Clerks of every Military Troop or Company shall once in six Moneths render a particular account to the Captain or chief Officer, of all such fines as are leavied by the said Clerk, that the same may be disposed of for the good of the Company according to Law.

Souldiers fines to be gathered by the Clerk of Troops or Foot Companies within a month or to be leavied on themselves

THis Court considering our own state as to Fortification, how that our Forts and Artillery belonging to the Country, both in this Town of Boston, Charlestown, Salem and Marble-head do need much to repair them, that they may be fit for service if God should call thereunto;

Do therefore Order; That each of the Towns above mentioned shall be allowed what they are Rated to the Country-Rate for this next year, for, and towards the finishing and repairing the several Forts there, and that each of their Rates be committed into the hands of the Committee of Militia in each of the aforesaid Towns, by them speedily to be improved for the use abovesaid.

Further allowance to Boston, Charlestown, Salem and Marble-head for Fortification

VHereas divers Souldiers, who by Law are commanded to attend Military Exercise upon Training dayes in the Towns where they live, not having any visible Estate wheron the Clerk of of the Company unto which they do belong can leavie the fine due by Law, when they are delinquent either in Arms or Trainings, so often neglect the duty in both keeping Arms and Trainings, and do thereupon carry it boldly and provokingly to the Clerk and other officers; For prevention whereof:

It is Ordered by this Court and the Authority thereof; That it shall

Souldiers neglect
of Arms & train-
ing with their
Contempt of Of-
ficers how puni-
shed

be in the power of the Commission Officers of each Company, or such of them as are present at the next Training day after such offence is committed, to punish such person offending as aforesaid, who hath not satisfied the Clerk according to Law, by any Military punishment according to the aggravation of the Crime, by either Riding the Wooden Horse, or by Bilboes,, or lying Neck and Heels, or acknowledgement at the Head of the Company, or any punishment according to Military Discipline, at the Discretion of the Commission Officer or Officers present.

And in case any such Delinquent shall absent himself from Training two dayes together, that then it shall be in the power of the chief Officers; and they are hereby enjoyned by Warrant directed to the Constable of that Town, to convent such Offender before him, and to proceed with him as in this Order is provided; and all Constables are hereby Ordered to attend their duty herein.

Book-Debts.

W Hereas by the Law made May 1669 respecting Book-debts; It is Declared, that all Book-Debts shall be cleared within three years, as is therein expressed, after which time no Book-Debt shall be pleadable in any Court: Upon a general complaint, that the said Law will prove to the real detriment of very many of our Inhabitants, and the utter unavailing of some if a greater number of years be not allowed to shut up Accompts;

Three years fur-
ther added rela-
ting to Book-
debts

It is therefore Ordered, and is hereby Declared; That there shall be three years more added for the advantage of Debtors and Creditors to issue their Accompts, that all grounds of complaint in this kinde may be removed.

B U R G L A R Y.

W Hereas in the Law tit. Burglary, it is expressed if any person shall commit Burglary by breaking open any Dwelling House;

Addition to the
Law tit. Bur-
glary

It is Ordered by this Court and the Authority thereof, as an Addition to that Law; That if any person shall break up any Ware-house, Shop, Mill, Malt house, Barn or Out-house, or any Vessel on any Shoar, or in any Cove, Creek, or upon the Water, such person so offending, shall be punished as the Law provides in case of breaking up Dwelling houses.

Leather.

H I D E S.

W Hereas the Law tit. Leather in the latter end of the first Sect. doth restrain all persons except Tanners to Bargain for, or buy any Hides of Bull, Steer, Oxe Cow, &c. being inconvenient in regard they are many times given in Barter for Shoes, &c.

Hides to be purchased by any

The said Clause in that Law, by the Authority of this Court is hereby Repealed.

VV Hereas the Laws already made to prevent the Transportation of the Hides of the growth of this Colony, do not reach the End, for want of a full and due Execution;

This Court doth therefore Authorize and appoint the Freemen of every Seaport Town within this Jurisdiction, to Chose a meet and sufficient person from amongst themselves yearly, to whom all persons shall repair who intend the transporting of any Raw or Ruffe Hides, and shall make proof whence such Hides so to be transported came, and that they are not of the growth of, nor killed in this Colony, and shall take a note from the person so Authorized of the number of Hides that he intends to transport, paying one penny to the abovesaid person for every such Hide.

Hides of the Countries growth not to be transported out of the Jurisdiction on penalty &c.

And it is hereby Ordered, That no person shall ship or transport any Hides whatsoever out of this Jurisdiction, without license from the person so Authorized, upon penalty of loosing of such Hides so shipped: nor shall any Master, Purser or any other person belonging to any Ship or Vessel within this Colony, receive on Board any Raw or Ruffe Hides without a Note or Ticket from the person so appointed first appearing, upon the penalty of paying ten shillings for every Hide so shipped: And such person Authorized as abovesaid, shall have power by himself or whom he shall appoint, to make search in any Ship or Cask, wherein they suspect any Hides to be Laden contrary to this Order, and shall make seizure thereof, and the penalties and forfeitures above-mentioned shall be the one third to the seizer, one third to the Country, and one third to the Town from whence such Hides are shipt.

And it is further Ordered, that the persons chosen as abovesaid, shall be sworn to a faithful discharge of their duty herein.

I N D I A N S P O R K.

W Hereas the Indians that border upon the English Towns within this Jurisdiction, do frequently sell Pork to the English, and there is ground to suspect that some of the Indians do steal and sell the English mens Swine; For prevention whereof;

This Court doth Order and Enact, That all English men do henceforth mark their Swine with some Ear-mark, or if they neglect the same, it

shall be reckoned as the loss of their propriety in them.

Order to prevent
Indians
stealing English-
mens Swine

And it is further Ordered; That no Indian within this Jurisdiction shall mark any Swine upon the Ears, and that all Indians who bring Pork unto the English to sell, are required to bring with them the Swines Ears whole, otherwise, or if the ears be marked, it is in the liberty of any person to seize upon such Pork tendred to sell, and the same to be forfeited, the one half to the Seizer, the other half to the poor of the place where it is seized, to be distributed by the Select-men to them:

And it is further Ordered; That this Law be forthwith Printed, Published and Declared to all the Indians within this Jurisdiction in the Indian Language, that they may attend the same; And this Law to take place and commence eight Moneths after publication hereof.

SCOLDES.

V Hereas there is no expresse punishment (by any Law hitherto established) affixed to the evil practise of sundry persons by Exorbitancy of the Tongue, in Railng and Scolding;

Punishment for
Railng or Scolding

It is therefore Ordered; That all such persons convicted before any Court or Magistrate, that hath proper cognizance of the case, shall be Gagged, or set in a Ducking-stool, and dipt over Head and Ears three times in some convenient place of fresh or salt-water, as the Court or Magistrate shall Judge meet.

Resolution of a
Question as to
Fraight

Whether S shipping Goods upon B to be delivered to R beyond the Sea, the said R paying fraight, and the said B upon his arrival at the Port tendring the said Goods to R, and the said R refusing to meddle with the said Goods and to pay fraight, whether the said B can recover his fraight for the said Goods of the said S, the said Good being left in a safe hand by good advice by the said B, or whether the said B ought not to have satisfied himself for his fraight out of the said Goods without molesting the said S? The Court resolves this Question, that S is not liable to pay fraight unto B, but B to satisfy himself for the fraight out of the Goods.

Where reviews
are to be tryed.

Whether all Reviews are to be Entred and Prosecuted in that Court where the Action was at first commenced? The Court resolves the Question on the Affirmative.

Whether upon an Action of Review, the Costs of former Courts where the Action hath been tryed, shall be granted for whom Judgement is given? The Court Resolves this on the Negative.

Possession according to Law
gives title, &c.

Whether the Law *tit. Possessions* intend the confirmation of Land to the Possessor, where the Graunt of the said Land was to another person, and the Possessor nothing to show for the Alienation thereof but his Possession according to that Law? The Court resolves this on the Affirmative.

F I N I S.

